



342.73
0696

42609

LIBRARY
College of St. Francis
JOLIET, ILL

1967



3 0301 00200923 7

The Constitution and Its Framers



By
Nannie McCormick Coleman

CHICAGO
SCOTT, FORESMAN AND CO.
1904

LIBRARY
College of St. Francis

COPYRIGHT, 1904, BY
SCOTT, FORESMAN AND COMPANY

ROBT. O. LAW CO., PRINTERS AND BINDERS, CHICAGO.

TYPOGRAPHY BY
MARSH, AITKEN & CURTIS COMPANY
CHICAGO

342.73

C696

DEDICATED TO
AMERICA'S POTENT AGENCY
FOR THE
PROMOTION OF AN INFORMED PATRIOTISM
THE DAUGHTERS
OF THE
AMERICAN REVOLUTION

42609

PREFACE

The principal purpose of this book, the product of home evenings, is to collate in a single volume, suitable for ready reference and frequent study, the epoch-making state papers of this country, their history and development, and the chief events in the careers of the men who framed them, with all of which every American should be familiar.

The brief glance given our history may serve as a compendium showing the evolutions of our nationality, and of the fundamental law under which we live. Its brevity may induce its reading and prompt to further historical study, thereby spreading the knowledge of how we became the nation that we are, and disseminating more widely an understanding of the rights of the people under the Constitution of the United States.

Every American thus informed, whether native or naturalized, must be impressed with his obligation to bless the God in whose devotion and under whose guidance this nation was founded and has been directed. He cannot fail to be devoutly thankful that this is, and promises to be, the lasting government of a free people. Nor can he escape the realization that the supreme duty of self-interest, as well as of patriotism, is to obey and support this constitution.

If this effort aids, however incompletely, toward these ends, it will be richly rewarded.

NANNIE MCCORMICK COLEMAN.

CHICAGO, ILLINOIS, *April, 1904.*

CONTENTS

CHAPTER I

CONSTITUTIONAL LAW

PAGE

Its fundamental nature—Its supremacy over all other law. . . 11

CHAPTER II

COLONIAL GOVERNMENTS

The providential plan of a century and a half of legislative experience preparing for the establishment of constitutional government—The charters as constitutions—Despotism of the English governors—Compact of the Pilgrims—The beginning and progress of legislation in the several colonies. 14

CHAPTER III

COLONIAL WARS

Inuring the colonists to the hardships of battle; educating them in military discipline and preparing their leaders; making them acquainted; teaching the power of unity; preparing them for the Revolution's struggle, and a united government—Alienation of Canada in consequence of long hostility and England's action when peace was restored and Canada acquired. 25

CHAPTER IV

SUMMARY OF GOVERNMENT

Royal, proprietary and charter governments—Legislatures modeled after the English method—But little actual power in, but great educational value of, these legislatures—The isolation of the colonies—The local attachments and oppressions of the central authority that made the sentiment of state supremacy hereditary, a central government dreaded, and the establishment of a national authority under a national constitution so difficult of accomplishment. 30

CHAPTER V

PAGE

RELIGION AND EDUCATION

- The early prevalence of a profound religious sentiment—
 The Bible of universal reading and reverence—The
 foundation of schools and colleges in the several colonies
 —Remarkable extent of culture and fostering of schools
 in primitive communities..... 35

CHAPTER VI

EFFORTS FOR UNION

- First, solely for common defense—The approach of settle-
 ments creating the need for a central, supreme authority
 to adjust disputes—The common oppressions of England
 a common cause for united action—The various con-
 ventions leading up to the final constitutional union.... 42

CHAPTER VII

CAUSES OF THE REVOLUTION

- Not merely taxation without representation, but interfer-
 ence with local legislation, and the annihilation of
 Colonial trade, commerce, and manufacturing develop-
 ment..... 49

CHAPTER VIII

REVIEW

- The Christian culture of every race in search of liberty of
 conscience contributing to found and form our govern-
 ment—Their antecedents and experience as educators
 of the idea of state supremacy—Comparison of conditions
 then and now..... 52

CHAPTER IX

THE CONTINENTAL CONGRESS—THE DECLARATION
OF INDEPENDENCE

- It convened as a peace congress—Independence not desired
 or intended—Driven to revolution—Narrowness of vote
 for independence—The presidents of the Congress.... 57

CHAPTER X

BIOGRAPHICAL SKETCH OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE.....	PAGE 66
--	------------

CHAPTER XI

THE CONFEDERATION

The headless government, destitute of executive, judicial, and taxing powers; the rope of sand whose inefficiency taught the absolute need of an authoritative, permanent, and supreme power—A national government—A natural and necessary part of constitutional evolution..	95
---	----

CHAPTER XII

THE REVOLUTION

Not the province of this book to treat of, though a hallowed memory with the American people.....	102
---	-----

CHAPTER XIII

GEORGE WASHINGTON

The statesman whose purity and goodness have made us overlook his matchless ability in constructive statesmanship	105
---	-----

CHAPTER XIV

THE BATTLE FOR THE CONSTITUTION

Condition of the country after accomplishing independence— The tendency of the ages—Comments of Washington— The prejudices to overcome—The needs of commerce opening the way for educating public opinion to the actual need of a national government—The two calls for the convention—The opposition of congress—Part of Washington and Franklin—The contest in the different states—The victory	111
---	-----

CHAPTER XV

THE FRAMERS OF THE CONSTITUTION

Brief biographical sketch of every member who participated in the convention—Their high grade of scholarship— Their distinguished positions.....	141
---	-----

CHAPTER XVI

THE CONSTITUTION OF THE UNITED STATES

PAGE

Discussion of the constitution and amendments thereto, section by section.....	180
---	-----

CHAPTER XVII

THE PRESIDENT'S CABINET

Its growth in importance—The duties and field of labor of the different departments.....	257
---	-----

CHAPTER XVIII

CONCLUSION

The gradations of our government—Its complex and com- posite character—Need of return to state supremacy in state affairs—The final unification of our whole people under unquestioned national supremacy.....	264
---	-----

APPENDIX

Declaration of Independence—Articles of Confederation and Perpetual Union between the States—Washington's Letter to the Governors of the Thirteen States on Resigning as Commander-in-Chief: the Argument for and Basis of the Constitution—Constitution of the United States—Washington's Farewell Address to the People of the United States—Tables: Presidents, Vice-Presidents, Secretaries of State, Chief Justices, Presidents' Ancestry etc.—America—The Star Spangled Banner.....	275
INDEX	342

The Constitution and Its Framers

CHAPTER I

CONSTITUTIONAL LAW



OF all human laws, constitutional law is the highest. It is above congress, the courts, the president, even the people themselves.

The constitution is the fundamental law which fixes and determines the form of government that exists under it; defines and limits the powers of that government, and directs its executive, legislative, and judicial maintenance and action.

The government and all its branches, deriving power and authority solely from the constitution, can only do what that constitution gives authority to do. Even if all the people desired it, the government could not do what is contrary to the constitution. The will of the people is supreme only when expressed as the constitution prescribes. The people can change that constitution in whole or part, but only in the way that the constitution itself provides. Any law enacted by the national congress, or by a state legislature, contrary to the national or the state constitution, is absolutely void—has no effect or authority.

This does not mean that the citizen can refuse to obey it—that the citizen can, for himself, decide the constitutionality of a law. But it does mean that he can appeal to

the proper tribunal—to the courts—to decide if the law be constitutional, and it is the province of the courts to pass upon that question, and to decide whether or not the law is constitutional and to be obeyed. In the proper way, the constitutional way, one must seek to have unconstitutional laws held null and void, and be discharged from the obligation to obey them. It is neither for the individual nor for a body of individuals, whether the latter be an elected legislature or a voluntary assembly, to decide these questions.

Wise politicians know that any breach of the fundamental laws, even though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers towards the constitution of a country, and forms a precedent for other breaches, where the plea of necessity does not exist at all, or is less urgent and palpable.¹

Necessity, especially in politics, often occasions false hopes, false reasonings, and a system of measures correspondingly erroneous.²

To attack the constitution of a state, and to violate its rules, is a capital crime against the nation, and if those guilty of it are entrusted with authority, they add to their crime a perfidious abuse of their trust. The nation ought to constantly repress all violations of the constitution with the utmost vigor and vigilance.³

This supreme law of human enactment is of too serious and solemn a nature to permit of frequent change. It should be held in reverence, and any proposed change should be long and thoroughly discussed before being made. Although delay may thwart temporary con-

¹ *The Federalist*, No. 25.

² *The Federalist*, No. 35.

³ Vattel *Law of Nations*, Volume I, Sections 29-30.

venience, still it may afterwards turn out to be the best protection from hasty action that would have borne only a harvest of regrets. Once the constitution becomes the subject of frequent change, public reverence for it ceases, uncertainty of the interpretation that may be given the new provisions confuses, and instability of government is wrought.

CHAPTER II

COLONIAL GOVERNMENTS



THE history of the American people, as they were led up to the formation of the Union and the adoption of the constitution of the United States, evidences a providential preparation for the exalted and arduous duties of the founders and citizens of a free republic.

For more than a century and a half, representative legislatures in some of the colonies, and the people themselves in others, had been educating the colonists in the exercise of legislation, and fitting the people of all the future states for the functions of citizenship, and the administration of governments of the people, by the people, and for the people. Not as novices, but as men drilled in the use of the elective franchise, skilled in the enactment of laws to govern themselves and familiar with judicial proceedings interpreting and applying those laws, did our fathers launch our Ship of State. Nor was long experience in frontier warfare lacking to familiarize them with the fields whereon the struggle was to be waged, and to fit them for the dread vicissitudes of the many battles in which they staked their lives—their all—for the rights of freemen.

The English colonization of this country began under charters from the Crown. These charters were the written grants, or authority, to English citizens to colonize and develop English territory. They were solemn documentary enumerations of the rights of those to whom they

were granted, and occupied the same place with the colonists that the present constitution does with the citizens. The colonists, in addition to possessing the rights specifically stated in these charters, being English subjects on English soil, claimed and were clearly entitled to all the rights of residents and citizens of the home domain.

The violation by the king and parliament of these rights, established by law, by precedent and by express grant in the charters, became the foundation of the complaints of the colonists for redress, and thus the fundamental cause of the revolution that cost Great Britain this country and resulted in the establishment of our republican government.

The first colony, Virginia, was established under a charter to the London Company. Its territory was supposed to cover what is now the two Virginias, Maryland, Delaware, the eastern part of North Carolina, and all of New England. It was governed by a council residing in England, appointed by the king and responsible to him, though its charter, in express terms, accorded to the colonists all the rights and privileges of English citizens. The governors sent out by this council were responsible to it, and exercised the most despotic power.

In 1619 Sir George Yeardley was sent out as governor, with instructions to summon a general assembly, or legislature, to be elected by the freemen of Virginia. The colony then consisted of eleven plantations, or settlements, each of which sent two representatives, called burgesses, and their body was called the House of Burgesses. On Friday, July 30, 1619, in the church at Jamestown, this first legislature of America convened, and, though often interrupted, it was never abolished nor prohibited. The council also promulgated a written constitution modeled

after the unwritten constitution of England, which served its purpose in the formation and drafting of the subsequent constitutions of the states.

The colony was mainly controlled by the Cavaliers who settled there and owned the lands. They believed that the country should be governed by the people of property and position, and to that extent followed the aristocratic theory of the mother country. The Governor, owing no responsibility to them, and appointed, empowered, and paid by the foreign council, taught them to dread the tyranny of a supreme control beyond their own selection, which was under no obligation to look to them for either support or continuance.

One of these governors, Lord Delaware, was empowered to rule by military law, and was given the authority to hang without trial or the intervention of a jury whomsoever he should condemn. Governor Dale silenced his critics by boring holes in their tongues. Governor Berkeley uttered his own epitaph of infamy in: "I thank God there are no free schools nor printing presses here, and I hope we shall not have them these hundred years. God keep us from both." He gave as the ground of his sentiment that education made the common people discontented and rebellious. When what is known as the "Bacon Rebellion" was overthrown, and one of its leaders, a Mr. Drummond, was captured, Governor Berkeley said to him: "Mr. Drummond, you are very welcome. I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour." And hanged he was. This worthy for sixteen years refused to call or permit the election of an assembly, but, with one subservient to his will, tyrannized over the colony. Of him Charles II. was provoked into saying: "That old fool has hung more men in that naked country than I did for

the murder of my father." This dissolute king gave the entire province to two of his courtiers, and for thirty-one years the colonists struggled to regain their chartered rights before they succeeded.

New York was settled by the Dutch. The charters granted by the King of Holland to the proprietors, who were called patroons, gave them absolute authority over every settler within the patroon's domain. Peter Stuyvesant, the last of the Dutch governors, in reply to the demand of the people to the elect representatives to make laws for their government, said: "If citizens elected their own officers, the thief would vote for a thief, the smuggler for a smuggler."

In 1653 the first convention, or legislature, was organized in New York. In 1683, the first under English rule was established. This was to meet once in every three years. Every freeholder was an elector, and freedom of conscience and religion was guaranteed.

The "Pilgrim Fathers" were Puritans who had left England for Holland, and got permission from the Plymouth Company to locate in their domain. They landed at Plymouth, December 21, 1620, and became known as the Plymouth Colony. They could get no charter, and in lieu thereof, during the voyage of the Mayflower, prepared a system of government by a written agreement, which was signed by John Carver, William Bradford, Edward Winslow, William Brewster, Miles Standish, John Alden, and thirty-five others, as follows:

"In the name of God, Amen, we whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc., having undertaken, for the glory of God and the advancement of the Christian faith, and the honour of our king

and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof, do enact, constitute and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; under which we promise all due submission and obedience.”

Under this compact, the first individual agreement of government known, they elected a governor and one assistant. As population grew the assistants were increased to seven, until, in 1639, the representative system was adopted. Every freeman who was of their church was a voter.

The Puritans, at that time, constituted a strong political party in England, and numbered among them people of wealth, influence, and education. From this class of Puritans the colony of Massachusetts Bay was sent out in 1630, under a charter from the king, which allowed the colonists to elect from their number a governor, deputy governor and eighteen assistants. These had full legislative authority, except that no laws could be passed contrary to the laws of England.

The Massachusetts Bay colonists inaugurated the most thoroughly democratic government known among the colonies. All laws were passed upon by direct vote of the people, but to be a voter one had to be a church member, and of the Puritans' religious profession. They were a high spirited people, much more independent, financially, than most of the settlers, and were a thorn in the flesh of the king from the start. Their settlement was begun

at Boston, and has never lost its character for assertive independence.

New Hampshire came into the possession of John Mason, as proprietor, under grant from the council for New England in 1629; was, by action of its people, returned to the government of Massachusetts in 1641; against their will, at the instance of the heirs of Mason, became a royal province in 1680; was again returned to Massachusetts; was again separated as a royal province in 1741, and so remained until the Revolution. Its legislative experience was the same as that of the other colonies similarly situated, and its early history almost the same, if not part of that of Massachusetts. Its first legislatures were organized at Portsmouth in 1639, and at Dover in 1640.

The charter of Connecticut, granted by Charles II. in 1662, contained very liberal provisions, vesting all the powers of government—legislative, executive, and judicial—in the freemen of the province incorporated under it. This liberal charter formed the foundation of the government until the constitution of Connecticut was adopted in 1818. To the three towns, Hartford, Wethersfield, and Windsor, in Connecticut, belong the honor of drafting, in 1639, the first written constitution known in American history. It made every citizen, regardless of religious view, a voter.

The charter of Rhode Island, granted by Charles II. in 1663, bound its people only to allegiance to the king. Under the leadership of Roger Williams, absolute freedom of conscience was guaranteed. Believer or unbeliever, every citizen was the same before the law, and no conditions burdened the elective franchise. The representative system began there in 1651, before this charter was granted. The charter, it should be said, was so liberal

that it was kept as their constitution until 1842, when a constitution was adopted.

The New England colonies consisted of small towns or villages. Their legislatures, comprised of representatives from all of these towns, were usually called the general court. As they grew in importance, the English kings began to quarrel with them about their legislation, especially their religious restrictions.

They found the counterpart of Virginia's Berkeley in Sir Edmund Andros, first made governor of the Massachusetts Bay colony, and then a sort of vice-royal ruler over all of New England, New York, and New Jersey. Twice the charter of Massachusetts was annulled by the king. Andros was ordered by the king to take and return the charters of Connecticut and Rhode Island, but failed in his efforts. The rescue of the charter of Connecticut was romantic and dramatic. When, on the order of Andros, it was produced by its custodians at night, the lights in the room where all were assembled were put out, and when relighted the precious charter was gone. Captain William Wadsworth had taken and hidden it in the hollow of an oak tree, which became famous as "The Charter Oak."

All of the royal governors were odious to the people. They appointed censors of all publications to prevent dissemination of the news of their outrages and to check advocacy of the rights of the people. Hence the provision in our constitution guaranteeing the freedom of speech and of the press.

When James II. was dethroned, the New England colonies snapped their bonds asunder, rose in rebellion, and deposed and imprisoned Andros. But under the succeeding monarchs, royal governors were appointed, who were blind to past experiences and failed to profit by them.

They were men whose only faith was in the oppression of power; to whom no voice of politic reason or plain justice could appeal, and between whom and the local legislatures was continual strife.

The exactions of these arbitrary governors in all the colonies, north and south, were the same, and made a common cause of grievance, a common bond of sympathy, a community of interest and feeling which ripened to the ultimate, the destined, end. They made the history of the development and the suppression of legislation. They caused the experiences that led up to the final formation of the constitution, wherein such oppressions are safeguarded against; wherein are borrowed and imbedded provisions to protect the rights and liberties of the people and to limit and fix the powers and responsibilities of their rulers. In such harsh but everlastingly instructive schools, was the legislative and constitutional education of our "Fathers" accomplished.

New Jersey was first settled by Dutch emigrants from New York. In 1664, with the whole of the New Netherlands, it came into the possession of the Duke of York, and afterwards into the possession of George Carteret, by whom it was named New Jersey, after the Island of Jersey, of which he was governor. Its continued settlement was largely by the Quakers. After many changes, it became a royal province in 1728, and so remained until the Revolution, having had a representative legislature established in 1668.

Delaware was first settled by the Swedes in 1638, and was called New Sweden. In 1681, it came into the possession of William Penn, who treated English and Swedes with equal liberality. After its previous experience in legislation as part of Pennsylvania, its separate legislature was established in 1703.

The title to the provinces of Maryland, Pennsylvania, and North and South Carolina, until 1721, was vested in a proprietor, who by virtue thereof was the governor, and appointed the council and the judicial and other officers, but allowed the people, under limitations fixed by the proprietors, to elect the members of the assembly.

In Maryland, such an assembly was made annual in 1635, and the two houses thereof are mentioned in their legislative journal in 1647.

William Penn, of justly revered memory, was the proprietor of Pennsylvania, recognized the people as his equal, and joined with them in the enactment of a constitution called "The Great Law," which yet lives in legitimate descent in many of the provisions of our national and state constitutions. His immortal utterance: "Liberty without obedience is confusion, and obedience without liberty is slavery," was the common-sense cornerstone of his system of liberty under self-chosen laws. To the eternal shame of the English authorities, and some of the ungrateful beneficiaries of his bounty, this wise, this benevolent, this tender-hearted man, the founder of the "City of Brotherly Love," the very name of which typifies the character of the man, for years fought against imprisonment on false charges, and had his life embittered by persecutions.

The Carolinas were settled by the French as well as by the English and Scotch-Irish. Their governmental experience illustrates an instructive fallacy of culture and learning. The celebrated philosopher, John Locke, and the cultured Lord Shaftesbury drafted for the Carolinas a constitution, which they termed "The Grand Model," and prophesied would "live the sacred and unalterable form and rule of government forever." But it left out of consideration two essentials of lasting government:

first, the brick and mortar that have ever been the bulwark of permanent power—the common people; second, the historic lesson that local legislation cannot be successfully made by aliens. So, while never observed, in less than twenty years from its promulgation, it fell into what a modern statesman would call “innocuous desuetude,” and then passed into utter abandonment.

The representative legislative system was inaugurated in North Carolina in 1669, in South Carolina in 1674.

Georgia was at first part of the great Carolina grant to Lord Clarendon, but in 1732 was granted to James Oglethorpe, one of the ablest, most benevolent and remarkable men known in our colonial history. It was settled by German Protestants as well as by the English. For the first twenty-one years the colonists had no power to enact laws for their government. Slavery was prohibited, and no Roman Catholic was allowed to own or settle on land in that colony. In 1752 it became a royal province, and so remained, with the same legislative system as royal provinces, until the Revolution.

As has been seen, the governor was appointed in all the colonies, except the proprietary colonies of Pennsylvania and Maryland; Connecticut under its special charter, and at first in Massachusetts. He could dissolve and call the assemblies, or legislatures, at pleasure, and had the power to veto any law. With the council, he appointed judges, established courts and raised and directed all military forces and operations. Directly or indirectly, through the governors, the English government was careful to retain all real power. All colonies had a legislature composed of an upper and lower house, except New Hampshire, Pennsylvania, and Georgia.

In all of the colonies, except New Hampshire, where he had to pay a poll tax, merely, to be entitled to vote, the

colonist had to own property, the amount varying in the different colonies. The governor had to be worth from \$10,000 in New Jersey and South Carolina, to \$134 in Rhode Island, and members of the legislature, also, were subjected to increased and different property qualifications, loss of property in some of the colonies working dismissal from office. The scarcity of wealth in that day and public sentiment, if not legal provision, made the governments the governments of the rich and the religious. In 1776, New Jersey gave women who owned a certain amount of property the right to vote.

Peculiar laws, customs, and sentiments marked each colony. Catholics and Quakers were driven out of the Puritan colonies. The Puritans were driven out of Delaware and Virginia. Catholics were not allowed in Georgia.

The different colonies, widely separated by Indian infested forests, knew but little of the workings of each other, and cared less. In their isolated situations, they showed how, in communities, "use doth breed a habit in a man." They showed how attached people become to their own educated usages, how prone to sectional prejudices. Fleeing thither to enjoy the uninterrupted exercise of their own peculiar opinions, a wider gulf long separated them, though under one common, dominant central government, than if they were of different races. This feeling was added to by the fact that so many communities were of different races, with different hereditary ideas and customs. Hence the diversity in their laws.

CHAPTER III

COLONIAL WARS



THE next step in the preparation of the colonies for the achievement of independence and the establishment and maintenance of self-government was the French and Indian wars, extending from 1689 to 1763, a period of seventy-four years. These wars became an added cause of estrangement of the colonies from England, and the sole cause of Canada not joining with the English colonies in the Revolution.

France had settled and claimed Canada. Her colonists were almost wholly Catholics. The missionaries of the Catholic church, the hardy French pioneers, Joliet, La Salle, and Marquette, had explored the Great Lakes, the Mississippi down to New Orleans and thence across to Mobile, as well as many of the great rivers that emptied into the Mississippi. They had established over sixty forts and military stations in the vast territory of the Mississippi Valley and had penetrated as far east as where Pittsburg now stands. At the latter place they built Fort Duquesne, which afterwards, in honor of America's great friend, William Pitt, was named Fort Pitt, and then Pittsburg.

An interesting feature of their discoveries is the fact, extensively published in France at the time, that near Ottawa, Illinois, these explorers piled up back of the logs which they kindled what they supposed to be black

rocks. The rocks took fire and made better fuel than the timber they used. This was the discovery of coal in America.

The English colonies fringed the Atlantic coast, yet claimed this vast and comparatively unknown territory to the Mississippi, which the French discoveries made disputed domain.

France and England being at war with each other in Europe, and each [claiming this splendid territory, the scene of their conflict was extended from Europe to America, and the colonists from both countries were dragged into the conflict. Owing to the fact that the French got along with the Indians better than the English settlers, and succeeded in securing many Indian tribes for allies, our colonies suffered the horrors of scores of Indian massacres, and there was engendered between Canada and our colonies a bitterness of hostility that lasted until long after independence was achieved.

The English claimed the territory to the Mississippi, if not to the Pacific, when the two races met and began the struggle for supremacy in this new world, and the colonies, claiming heirship to, if not ownership of this land, lent their loyal aid to the mother country, enhanced in enthusiasm by their own personal interest. By the treaty between England and France, in 1763, Canada and all this vast region in dispute passed forever from French possession and came into that of the British crown.

The conquest cost the colonies over thirty thousand of their hardy sons, and sixteen million dollars in money. With good reason, the colonists felt that they had bought this territory with their best blood and hard-earned treasure, so when George III. annexed it to the province of Quebec, forbade further settlement therein by the very pioneers who had won it, and ordered the few settlers

there to remove east of the Alleghanies, public indignation was universal.

The artful restoration of the wrested property to the Catholic Church in Canada by the English government widened between Canada and the other provinces the gulf that already existed by reason of racial difference and past conflicts, and severed all sympathy between Canada and the other colonies. To be sure, for reasons of state, rather than love for the colonies, France allied itself later with the Revolutionists, and many of the sons of France, from motives of loftiest, purest patriotic philanthropy and from sincerest love of liberty, staked their fortunes and lives in our aid, and will deservedly live forever in the grateful memory of our people. But these facts did not make friendly sentiment for Canada.

The supercilious treatment by the English officers of the rude backwoodsmen, who bore the brunt of every battle and were superior to the British soldiery by reason of experience in frontier warfare, left rankling wounds among the colonists that aggravated other grievances. All of the superior officers in these later wars were British, and they made the colonial troops, both officers and men, feel the weight of their contempt. And the colonists never forgot it.

During the long and trying period of the French and Indian wars the need of colonial assistance had compelled the English governors to relax the enforcement of many of their oppressive regulations, and to give enlarged liberty to the growing colonies. No race, above all the Anglo-Saxon, ever gave up rights once acquired, without a struggle, and the colonists were determined not to surrender the vantage ground gained by the interested indulgence of their rulers. But having conquered France, fearing nothing from European alliance, and

believing the colonists weakened to exhaustion by the long struggle, England renewed its oppression, and the next twelve years counted for more in the way of alienation than did all our previous history.

The value of the French and Indian wars was almost inestimable. The experience not only inured the colonists to the privations and hardships of war; not only taught them the power and value of military discipline; not only made them skilled marksmen, and familiar with the fields of future conflicts; not only made them acquainted with each other and convinced all that they were one and the same people looking forward to the same destiny; but, above all, taught them the power and utility of united effort and united legislation.

The French and Indian wars effected the education and unification of rank and file. The shots of those wars shattered the exclusiveness of the colonies, and the blood of their cherished dead cemented in common grateful memory the hearts of the communities that contributed their sons to the common cause.

The wars prepared the called-for leaders. Washington, Gates, Morgan, Montgomery, Stark, Putnam and many other officers of the Revolutionary army found in these wars the practical university, the military school of theory and experience, educating them to plan the unforeseen battles, and prepare the countless details which made the efficiency of the armies in the Revolution so rapidly approaching.

The ties of Indian war memories and common perils bound the colonies in strongest sympathy, and their "Committees of Correspondence" in the coming troubles communicated as well-known acquaintances, as long-time friends. Virginia and South Carolina felt that any blow aimed at Massachusetts fell on kindred shoulders. They

first taught the fruitful lesson, emphasized in all our after history, of the inestimable value of the intermingling of the American people.

This long period of intermittent war left the colonies conquerors of all enemies on their own soil, trained in the use of arms and the methods of warfare, and inspired with the courage of their own prowess, and their superiority over the soldiers sent here in the methods of the warfare they had to wage. It developed a confidence that made them more readily dare the coming conflict, and vitally supplemented their legislative labors in preparing them to establish a government for themselves.

CHAPTER IV

SUMMARY OF GOVERNMENT



THUS, it will be seen, a system of government alike in many respects existed in all of the colonies, arranged somewhat as at present, yet radically different. There were the governors and the two houses of the legislature; the councils, or upper houses, corresponding to the senate of to-day; the assemblies, or lower houses, corresponding to the modern house of representatives. The differences in other respects were great.

The various colonial governments may be divided into three classes: provincial, or royal, proprietary, and charter governments. The provincial, or royal, were New Hampshire, New York, New Jersey after 1702, Virginia, North and South Carolina after 1729, and Georgia. The proprietary were Pennsylvania, Maryland, Delaware, New Jersey until 1702, and North and South Carolina until 1729. The charter were Massachusetts, Connecticut, and Rhode Island.

In the provincial governments, the king appointed the governors and the councils. The governors, if so inclined, called for the election of the assemblies by the voters.

In the proprietary governments, the governors appointed the councils and called for the election of the assemblies by the voters.

The charter governments were those whose forms, rights, and powers were set out in the charters granted by

the king, the charter being the same in that form of government as the modern constitution is to the state.

All were modeled largely after the English method. There, the legislative power was and yet is vested in king, lords, and commons. Here, it was in the governors, councils, and assemblies. The members of parliament in England and of the assemblies here, were elected by the qualified voters, and while in most colonies no provision was made for legislatures, the colonists, being English subjects, claimed all the rights and privileges of English subjects in the mother country, chief among them to be represented in the government. The governors and the councils had to concur, to give initial effectiveness to any legislation, then the king or foreign owners had to approve. All taxes were levied by this foreign authority, represented by the governors and councils, and by it, also, were paid the salaries of the governors, the councils, and the judges. They were under no obligation of any sort to the colonists. No laws could be passed in any of the colonies contrary to the laws of England. Thus the common law of England, yet prevailing in all of the states except Louisiana, where the Roman or French system exists, became the established legal system of America.

A share in legislation was demanded by the colonists as the legal right of Englishmen, but was accorded much as a fiction to allay discontent, the foreign authority in all cases having the power to veto any legislation. The actual power of the representatives amounted to but little in itself, but its educational influence was of incalculable value. Through the elective members of the legislatures, the people were clothed with the form of self-government, the semblance of liberty. This was to bring later the reality. The people were being made accustomed to

and familiar with the practical workings of elections, judicial proceedings, and legislative action—all the paraphernalia and process of self-government—so that when self-government did come, they were ready for it. That transition was but vitalizing these accustomed forms into the living, breathing realities of governments by and for the people.

The colonists, also, had their own peculiar laws. The Pennsylvania Quaker and the Maryland Catholic extended religious freedom to the New England Puritan who removed to those colonies, but that Catholic or Quaker was rewarded with a coat of tar and feathers, the whipping post, or worse, if he removed to the New England colony and carried his religion with him. Or, if he removed to Georgia, he was denied the right to own property, or hold office, or vote.

In some of the colonies, one qualification of property existed for the voter, another for the legislator. In others, a religious qualification was enforced in addition. In some, the people in town meetings discussed and passed laws. In others, this was done by their representatives.

The colonists attempted no proselyting among their neighbors, and permitted no interference with their local affairs by those neighbors. Throughout this century and a half, each colony was an existence unto itself, foreign to every other colony, subservient solely to the supreme control of the British crown. Naturally, the various colonies became hereditarily attached to their local notions of self-government. Their very isolation made these distinct ideas of political policy all the more vigorous in each; their struggles to maintain these peculiarities made them all the more obstinate in their attachment to them and less amenable to outside interference. If others did

not like the local regulations, they could leave. If they did not leave voluntarily, they were forced to. These experiences nourished and gave strong roots to the doctrine of state supremacy. Its survival is neither to be wondered at nor blamed.

But, as the colonies increased in population, as settlements approached each other, and acquaintances extended, community as well as conflict of interests and ideas were engendered. Surrounded by Indian tribes, a common foe to all, there gradually developed a common cause of offense and defense. The community and conflict of interests and ideas added to the demand for some supreme power which should be an impartial, central arbiter familiar and in sympathy with the local needs and predilections.

Another powerful lever toward unification had long been at work, and was being given increased energy of action. As development of the colonies progressed, both production and consumption increased and commerce enlarged, until the trade with the colonies became most valuable to the British manufacturer and merchant. With the growth of trade, cupidity usurped the place of reason in the English mind, and the exactions of the British authorities became more and more severe. To confine this new fount of wealth to the English became the dominant thought of the English rulers. Then was born the two-headed monster, the tyranny of the crown and parliament, that tightened its folds about every industry, every right. The English parliament, successor of the very commons that had wrung Magna Charta from King John at Runnymede, and cut off the head of Charles for his infringement of their rights, claimed the same right of taxation and legislation for the colonies, without representation, that they had staked

their all to wrest from despotic monarchs. Too feeble for armed resistance, the colonies could only protest, and appeal to the sense of justice that should have animated every English legislator and to the established law that should have been recognized by Great Britain. They were obliged to await the educating evolution of the truth that unity in governmental action is the child of law, the product of legislation; that it is begotten and born of the surrender of much of sovereignty, much of independence, and the development of inter-dependence; that neither men nor communities live unto themselves alone, but out of mutual sacrifices, mutual efforts in common sympathies, come the highest and holiest benefits to all.

CHAPTER V

RELIGION AND EDUCATION



VERY large proportion of the early settlers sought our shores to be secure in the enjoyment of their religious liberty. They had braved the fury of their native governments and the hostility of their countrymen in conscientious adherence to their faiths. They had abandoned their kindred, their native lands, the dearest ties that association and memory weave about the human heart, in supreme adoration of God and to devote their lives to what they believed was His proper worship. Their influence was all-powerful in laying the foundations of this republic. A profound and sincere and energetic piety pervaded all the colonies from Maine to Georgia. No such thing as modern skepticism and a host of other isms that confuse to-day's thought was known. The Bible was the book of books with them. They read and reread it; they believed it; they lived up to that belief as God gave them light to see. Their excesses were the children of an unfaltering, over-enthusiastic faith—the parent of fanatical oppression. They saw eternal ruin in opposition to that faith, in anything that tended to its impairment, and, as a rule, dealt with such opposition with a relentless and rigorous hand, just as they would have dealt with one who sought to apply the torch to their homes, or to attempt the lives of their families. With scarcely an exception, the leaders of the day were devout, God-fearing men. Women, always and everywhere the main sup-

port of the church, were the almost universal teachers of the young, and religious and moral instruction was as large a part of their teaching as intellectual culture. Weighed down by personal poverty and under the impotent make-shift for a government that the continental alliance and the confederation gave them, does it not appear that the piety that marked the entire country was rewarded by the guidance of God in the successful effort for freedom and independence?

The southern colonies were agricultural, and by reason of the separated settlers, the danger and difficulty of attendance gave less opportunity for schools than the town settlements of their northern associates. Little was done in those colonies toward the establishment of public schools until after statehood was attained under the national government, and with that we are not now dealing.

Virginia was first settled by an adventurous class of men, who came with the alluring but delusive hope of acquiring sudden fortune and returning to England to enjoy it, and who were without the family ties that make religion and education of first importance. With the coming of women, marriage, home-founding, and permanent settlement, however, an immediate change resulted. Regard for the future of those always dearer to men of character and conscience than their own lives turned the attention and efforts of the later settlers to the moral and intellectual upbuilding of the coming generation. The Church of England was made the established church, and was well provided for.

The environment of the Virginia settlers made a system of general education impracticable, and their antecedents made them careless of it. Engaged almost wholly in the profitable culture of tobacco, with widely separated farms,

surrounded by hostile Indians, the attendance of children upon schools was difficult and dangerous. But they were of the higher grade of English people, and believers in the best of education for the few, if regardless of a common culture. Many of the young men were taught by private tutors at home until prepared and sent to the English universities. The young women were limited to home culture.

In 1619, the directors of the colony of Virginia in England voted 10,000 acres of land to establish a university at Henrico, and the same year the colonists addressed a petition to the odious Berkeley, praying that the king be petitioned for letters patent authorizing subscriptions among the good people of England for the erection of colleges and public schools. In 1660, a tax of a penny a pound was levied on all tobacco, and all fees and profits of the office of the surveyor-general placed under the control of the faculty of the college, which, in 1692, was named the College of William and Mary, and located at Williamsburg, then the capital. They also voted to this college £2,000 and 20,000 acres of land. The college now known as Washington and Lee was established at Lexington in 1749.

The Puritans came to this country for the express purpose of freedom of religion—freedom for themselves and their religion. Strange to say, they practiced the very intolerance toward other religions that they themselves had fled the old world to escape. Roger Williams, the apostle of conscience in religion, was expelled from the colony. Mrs. Anne Hutchinson, one of the most remarkable women in American history, who confined her preaching mainly to her own sex, was also banished, although upheld by Governor Vane and many of the leading men. The gentle, non-resisting Quaker was even more rigorously

dealt with. The power of the Puritan ministers was as great, if not greater, than that of the public officials. Not until 1686, when Massachusetts became a royal province, did their power begin to lessen.

In 1623, an unusually abundant harvest blessed the efforts of the Massachusetts people, and when Governor Bradford, after the harvest, sent out men to get game, a similar abundance was brought in. In devout recognition, he ordered a great feast prepared, to which the Indian king Massasoit and ninety of his tribe were invited, and there first they "thanked God for the good things of this world," and began the annual Thanksgiving that, ushered in by the president's proclamation, has become the great day for family reunion and religious gratitude in the larger part of the country.

Notwithstanding the excesses which the intensity of their religious fervor made them guilty of, the Puritans were an honest, clean-minded, pure people, to whom not only America but the civilized world as well will always owe a debt of gratitude. They will stand forever as the sturdy type of devotees to a principle, ready to deal and dare death in support of the principle they espoused; as constant, energetic seekers for the world's moral and intellectual betterment. Their ministers went with the Bible in one hand and school book in the other, and they sought no bondage of ignorance to bind people to their belief.

In 1636, the Massachusetts general assembly voted £1,000 to found a college at Newtown. In 1638, John Harvard willed to it his library and £800. It was thereupon given the name of Harvard College, and the name of Newtown changed to Cambridge. There the first printing press in America was set up. The first publication was the New England Almanac. For many years each

family gave a peck of corn or one shilling cash to sustain this college.

Free schools were established in Boston in 1636. In thirty years, no town was without its free school, and where the town had one hundred families, it had a grammar school. Every town failing to keep a school at least three months in the year was fined five pounds, and the school law provided that the children of the poor should be taught free. Here was the beginning of the public school system that is the pride, the hope, the glory of the United States.

Connecticut in 1639 adopted the Bible as the law of the colony, and provided that only church members should be freemen. Thereafter, all religious restrictions were removed, and every male of good moral character was accorded citizenship. There, also, was heartily given the same support of public education known in Massachusetts, and the maintenance of public schools was made compulsory.

In 1701, ten ministers, nine of them graduates of Harvard, contributed from their libraries for the founding of a college. This was the foundation of Yale College.

Under William Penn, public schools were started in Philadelphia. In 1689, a public grammar school, known as "The Penn Charter School," was established there. This, later, under the guiding and sagacious hand of Benjamin Franklin, who drew up the proposal founding it, bore fruit in the University of Pennsylvania.

Under the Dutch patroons, the Dutch Protestant church was the church of the state of New York, then New Amsterdam. Any minister who preached a doctrine contrary to the doctrine of that church was fined £500, and those who dared to listen to him, £100 each. When New York passed under English possession, other denom-

inations were allowed equal freedom. Schools were supported by private enterprise. King's College, now Columbia, was established in 1754.

Under the lead of Roger Williams, the utmost religious liberty was allowed in Rhode Island. A public school was established in Newport in 1646, and thence schools spread over the colony. Brown University was established at Providence in 1765, and what became Rutger's College, at New Brunswick, in 1769.

In 1693, each town in New Hampshire, except Dover, which was too impoverished by Indian raids, was required to provide a school. Dartmouth College was established at Hanover in 1769. In 1656, the *New Hampshire Gazette*, the first newspaper, and the oldest in New England, began publication.

New Jersey was tolerant toward all religions. By a law enacted in 1693, the maintenance of public schools was left to each township, but the tax was binding on all the citizens thereof when voted. The first public school was established in Newark in 1676. The College of New Jersey was established at Princeton in 1746.

The Salzburgers, German Protestants, whose persecution enlisted the sympathies of the Christian world, the hardy Swiss, and the Scotch Presbyterians, as well as the Methodist lovers of religious liberty, made sacred the early settlement of Georgia, which, though the last settled of the thirteen original states, soon became one of the most orderly, cultured, and prosperous.

The French Huguenots, hunted to forest depths and mountain snows in their native land, found an asylum in the Carolinas, as did many of the sturdy and stubborn Scotch Presbyterians. Their posterity were among the most honorable who built up those states and helped make American history, carrying with them the purity,

the honesty, the decision of character that distinguished such an ancestry.

In probably the greatest forensic effort of America's staunch friend—the peerless reasoner, the matchless orator of his day, the Webster of English parliamentary history, Edmund Burke—he stated, in 1775, “I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on law, exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear they have sold nearly as many of Blackstone's Commentaries in America as England.”

Considering the day in which they lived and their situation and surroundings, their enthusiasm and efforts for private and public culture is one of the most marvelous and commendable features of the republic's founders. They appreciated and felt to the fullest the value of the alchemy of culture that turned into the gold of mental power the intellectual abilities of the people. Their works and the writings of their day tell of the results obtained in their superior intelligence. This republic was founded and built up in a religious, moral, and intellectual atmosphere, and it behooves those who inherit and enjoy the legacy left by the colonists to preserve and perpetuate every element that entered into its composition, and made us what we are.

CHAPTER VI

EFFORTS FOR UNION



THE advantage, nay more, the necessity of the union of the colonies early became apparent, and prompted the feeble beginning that ended in the nation reaching from ocean to ocean. In 1638, the three towns of Hartford, Windsor, and Wethersfield joined in a little confederacy under the first constitution written by Americans for American people.

In 1634, the four colonies of Massachusetts Bay, Connecticut, Plymouth, and New Haven, endeavored to form a union under the name of "The United Colonies of New England." This was solely for defense against the Indians, and no attempt was made for anything like a mutual system of inter-colonial law. Its board of eight commissioners, two from each colony, were empowered to call out troops, conduct campaigns, and settle disputes between the colonies, but not to interfere in any way with the internal or domestic affairs and local government of any one of them.

Rhode Island was denied admission to this confederacy because freedom of worship was established in it; Maine, because it maintained the worship of the Church of England. The Puritan conscience did not permit of such irreligious contact even for needed, united defense against a savage foe.

John Locke, and the commissioners for the colonies in England, endeavored to establish a sort of military union between all of them at the beginning of the French and

Indian wars, but it proved abortive. These wars, however, were the first occasions where all the colonies, as subjects of a common government, were brought into a common alliance which was really the foundation of the ultimate union.

In 1690, the Massachusetts general court invited all the colonies to send commissioners to meet at New York and agree on suitable methods to assist each other for the safety of the whole land. All of the colonies made favorable replies, even the Quaker governor of Rhode Island promising that colony's armed aid. But, owing to distance and difficulty of travel, only commissioners from Massachusetts, Connecticut, Plymouth, and New York met.

In 1697, William Penn proposed to establish a congress of two deputies from each of the colonies to meet once a year, or oftener, in time of war, and every two years in time of peace, to consider matters of common concern.

June 19, 1754, a convention was held at Albany, New York, to form a United Confederacy to repel the attacks of the French and Indians. This was attended by delegates from seven of the colonies—New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland.

Benjamin Franklin was a member of this convention, and submitted to it a constitution for the formation of a permanent union, but it was not democratic enough to suit the colonies, and too democratic to suit the king, and so, between the two stools, it fell to the ground. It was far more national than the articles of confederation, and well served the good purpose of stimulating public thought and attention to the benefit of a common union, and throughout the whole country inspired anew the desire for a more democratic government. Franklin proposed a

grand council of representatives from all of the colonies to meet in Philadelphia every year, with powers similar to our national house of representatives, enabling it to levy taxes, build forts, and exercise supreme control over matters that concerned all alike. He proposed to have a president to be appointed and paid by the English king, with power to veto all acts of this general council.

Franklin's plan is known as the Albany plan. Says our eminent historian, John Fiske, "If the Albany plan had been adopted in 1754, it is quite possible that there would have been no revolution. But not one of the colonies accepted the plan. The people cared little or nothing for union. A native of Massachusetts regarded himself as a Massachusetts man, or a New Englander, or an Englishman; not as an American, with Pennsylvanians and Virginians as countrymen. So it was with all the colonies; in all, the feeling of Americanism grew but slowly."

October 7, 1765, nine colonies sent twenty-six delegates to the congress which was held in New York, and was known as the "Stamp Act Congress." New York was represented by four, Rhode Island and Delaware by two each, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, and South Carolina by three delegates each. The other colonies, while in ardent sympathy, sent no delegates, being prevented by their loyalist governors.

Timothy Ruggles, a Tory of Massachusetts, was elected president of this congress, whose session was of but three weeks' duration. It adopted a "Declaration of Rights and Grievances of the Colonies," which was agreed to by all, but not signed by the delegates from some of the colonies, who considered themselves destitute of authority to do so and wished the declaration referred to the respective assemblies for action. All of the colonies ratified this

declaration, and some of them made severe censure of their delegates for failing to sign it.

The next congress, which became the great congress of the Revolution, met at Philadelphia, September 4, 1774. This congress adopted a "Declaration of Rights," declaring, among other things, that since the colonies "cannot be properly represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures." It was then, and yet is, the British law that no tax should be levied on the people, except by members of parliament elected by them as their representatives. This right that congress claimed, and in addition the right of the colonies to enact in their own representative legislatures all laws, except those relating to foreign commerce and of an international nature. Loath to part with the mother country, still loyal to the English sovereign, craving only their rights to be the same on one side the sea as the other, on October 26, 1774, this congress addressed the king in their respectful, if not humble, petition as "the loving father of your whole people," protested that "they had not raised armies with the ambitious design of separating from Great Britain, and establishing independent states," and begged his reparation of their wrongs.

The next attempt was by the adoption of the articles of confederation in 1781, and the last, the adoption of the present constitution in 1789.

All of these tentative efforts were steps toward the final consummation. They started and kept up the trend of public thought that, year by year, was educating and maturing the leaders and the masses for such a government as the world furnished no precedent for, and could only be had as the product of gradual evolution.

These historic facts demonstrate that the formation of

the constitution was no sudden, impulsive outburst, born of unexpected necessity and the climax of an unlooked-for crisis, but the crowning achievement of over a century and a half of earnest study, of varied and repeated suggestions on the part of the ablest and best minds during all that developing period.

Never in the history of the Anglo-Saxon race, if in the history of the world, was the public thought so centered in the rights of man—in the theory of government—as during the period from 1640 to 1776. From the Elizabethan era—the climax of that race's activities along literary lines—its intellectual energies were turned into the study of governmental problems. Even back beyond this age it went. The British parliament had long stood for the people against the king, and the struggle which began centuries before at Runnymede, continuing until it had cost one king his crown and another his head, planted principles never to die. British emigration to America was largely in excess of that of all other nationalities combined, and with almost complete unanimity, the emigrants were imbued with the growing doctrine of democratic equality. This belief grew with their residence here. Those of other races who sought our shores did so mainly to enjoy that religious, if not civil, liberty, that freedom of opinion, speech, and conscience denied them in the land of their nativity. Thus they added to the growing sentiment of the day and time.

These combined streams, with no representatives of royalty here to stem or turn their current, were fed by the local situation of society, in which personal fitness, alone, could claim the place of precedence, personal worth call to place and command. Here was the glamour of no court to dazzle and delude. Here all were frontiersmen, who must plan and battle more for their own

protection than for their prosperity. They were in a new world, alien in all things to the clans, classes, and conditions of the old. Thrown upon their own resources, dependent upon themselves, they fought in their own way the savage whose domain they were wresting, and of necessity were driven to the enactment of laws suited to the peculiar situation of each community. Their inherited views of the rights of the citizen were broadened, deepened, and reinforced by their experiences. They builded upon the foundations laid in the contests of the old world for the supremacy of rights established by law over the prerogatives due to the accident of birth. Back through the centuries run the roots of the tree of American independence. It may have burst into sudden flower, but its growth was of no mushroom speed.

Never were plans for self-government so thoughtfully considered, so much enlarged, and so remodeled to secure public and private rights, individual and community safety, and the establishment of a system of legislation that would enthrone power without tyranny, that would give the strength of unity without the crushing coercion of a central authority ignorant of the born and bred principles, the local ideas and the peculiar attachments that each of the colonies cherished. The right to individual opinion, to freedom of thought and speech, to enjoy life, liberty, and the pursuit of happiness under laws that at once restrained and enlarged individual action, that gave each one his own, yet trenched on no other's rights, was slowly, surely, gradually maturing to everlasting establishment. Common peril inaugurated the action. Common profit urged it on. The wisdom that comes from a multitude of counsel and experience refined its growth.

And, during all the dark years of the War for Inde-

pendence, the Anglo-Saxon of America had the sympathy of the Anglo-Saxon of England. While but few of England's statesmen—and they the ablest that adorn the history of that day—braved the fury of court and courtier in defense of colonial claims, the vast majority of the English people gave such earnest sympathy to their kinsmen here that the king was compelled to hire the Hessian soldiery to fight his battles against the flesh and blood of those who upheld his crown.

CHAPTER VII

CAUSES OF THE REVOLUTION

WE have seen how, from the very beginnings of settlement here, the unrebuked tyrannies of the governors sent over to rule the colonies had exasperated and alienated them from Great Britain. Charters had been granted and taken away. Territories had been divided without the consent and against the will of those to whom they had been conceded. All of this taught the colonists that the foreign authority considered the colonies had no rights that it was bound to respect. Between the upper millstone of the king and the lower of parliament, their vested rights were being ground to powder.

The victory of England and her American colonies over the French and Indians left Great Britain the ownership of a territory growing in population and prosperity, whose commerce was of great value to the British tradesman. At the time of the revolution, this commerce of the colonies amounted in volume to nearly one-third of the entire English commerce with the world. To confine it to English greed was the purpose of the royal actions. The king believed if settlement went beyond the Alleghanies, it would go beyond the reach of English trade, would tempt the colonies to new alliances, and give them dangerous power. Hence, the colonies were forbidden to enter into that territory.

Then began the series of added oppressions under George III. The colonists were still loyal to the king

and complained not of his sovereignty over them, but of the denial to them of the right of English citizens to representation in parliament; of the denial of the right to make local laws whereby they were to be governed without misunderstood revision by those who knew nothing of their situation; of being taxed without any voice by this foreign authority, and of the denial of the right to build up their trade with other and neighboring peoples.

The increasing, profitable trade with Spain and France was placed under penalties so heavy as to utterly destroy it. Warships patrolled the coast to prevent the vessels of these nations from coming to colonial ports. The famous—or rather infamous—Navigation Act, increased in severity by the restrictions of subsequent acts, made England the only country where the American merchant could buy goods or ship products; in fact, the sole market for the American producer and merchant.

Iron manufacture had started up in New England and Pennsylvania, but parliament prohibited the shipment of pig-iron even to England, and the manufacture of steel and bar iron for use here. The existing iron works were closed and the building of new works prevented by their being subject to destruction as nuisances. Lord Chat-ham, formerly Mr. William Pitt, one of the best and truest friends the colonists ever had, said in Parliament: "The British colonists of North America had no right to manufacture even a nail for a horse-shoe." The prohibition of shipping woolen goods from colony to colony was enacted. A similar one regarding hats was made because, it was claimed, the abundance of furs would soon enable the colonists to supply the world with hats. Duties were laid upon the importation of rum and molasses from the English West Indian possessions. Swarms of custom-house officers were sent over, who were empowered to

search any house for smuggled goods, and writs of assistance were readily granted by the court under the domination of the English government. Under the "Quartering Act," soldiers were sent over under the pretense of "protecting the colonies, and the people were compelled to house and provision them. For any offense to the military, the accused were transported for trial to England, where they could not get witnesses, and an adverse verdict was certain. The odious "Stamp Act" required revenue stamps to be placed upon every legal document and article of merchandise.

Between 1651 and 1774, twenty-nine different acts were passed by parliament, all lengthy and difficult of interpretation, and all aiming to confine and restrict all our commerce to Great Britain, even to the exclusion of the colonies dealing with each other. If a merchant or farmer in Massachusetts wished to sell or trade his wares or produce to a neighbor just across the line in the next colony, he either had to ship them clear across the Atlantic to England and thence reship them back, or else pay a duty to the officer of royalty here. The tossing of several ship-loads of tea into Boston harbor by colonists disguised as Indians widened the growing breach, and inflamed the hostile feelings between the king and the colonists. The port of Boston was closed to all trade until they paid for this tea, and made required apologies to the king. Massachusetts appealed to her sister colonies to assemble a congress and act in concert upon this state of affairs, and this appeal was promptly answered and acceded to.

CHAPTER VIII

REVIEW



THE foregoing historic glance shows that the Christian, liberty-loving people of every civilized race contributed to the foundation of this free republic; it shows how deep and strong were the attachments of each colony to its peculiar ideas of what constituted individual right, and it explains, to an extent, the opposition to a national government which would be a supreme, central control beyond the borders of the respective colonies.

The tyrannies practiced by the sovereign powers in England were not only the unbearable reasons for the revolt of the colonies, but they were also the teachers that instilled into the American mind the fear of any sort of national sovereignty, a fear that descended into the hereditary doctrine of state supremacy. These oppressions ground into the very souls of the colonists an educated dread of a distant, supreme power. Their fear of and aversion to the establishment of any such consolidated power was well founded, as it was the fruit of decades of disastrous experience. To them a central authority was synonymous with the forceful violation of all rights and the baneful rule of might, regardless of policy, of law, of justice, and of humanity. This explains how the spirit of states' rights, or rather, state supremacy, survived until the dread arbitrament of arms established the supremacy of the government of the United States, the indivisibility of the Union and the fact

that we had become, if we had not always been since the adoption of the constitution, a nation.

This shows, too, how long and painful a period elapsed—over a century and a half of practical experience in the elective franchise, and in legislation; nearly three-quarters of a century in intermittent warfare, acquainting them with the courage and discipline needed to face a foe—before, in the mysterious ways of an overruling Providence, the colonists were permitted to pursue the perilous paths of an independent people.

Tenacious of their own peculiar views, as averse to enforcing them over others beyond their borders as to having the ideas of those others made controlling over them, the colonists desired distinct independence, yet with some sort of offensive and defensive league among themselves which would be supreme when the supremacy of unity was needed, yet subordinate to themselves—a practical impossibility.

With no railroads, no telegraphs, no communication save over dirt roads and by water, but few newspapers, and those of but limited circulation in their own localities, separated and surrounded by hostile savages, the colonists were as aliens to each other. Their commerce was almost wholly with those beyond the seas. Interstate business, commercial and personal relations, such as now exist, were then unknown and unanticipated. The vista of the future opened up no such scene of splendid grandeur, of internal industrial activity, of foreign commercial aggression, as is witnessed to-day.

The chords of kinship that now knit the various sections with tenderest, strongest bonds were few and slender. The colonists were aliens and strangers, though all owed allegiance to one common head. Ownership, individual and corporate, did not stretch from state to

state, border to border, and section to section. The liberty-loving, fearless, pious people of every civilized race contributed to make this cosmopolitan country the welded power that it is, but furnished an antagonism then that helped to draw the sections asunder. It is not to be wondered at that the formation of a supreme federal union was so difficult of accomplishment. To this day, with all our facilities of communication; with all our interlocked interests that are impossible of severance without common disaster; with the most intimate and sacred ties of blood and family binding every part of the country; with the tremendous acquaintance of universal travel, and every day's doings of the different sections known at once in every other, there are matters of local concern that violently estrange and bitterly antagonize. Diverse interests and clashing sentiments yet disturb our common harmony, and make the yoke that all bear with willing honor and enthusiastic devotion gall in places that it touches with unequal weight. On the other hand, there are many matters which are now of sovereign state control, such as marriage and divorce, inheritance, descent and distribution of property, and other vital concerns of common, universal interest, that make strenuous claims for uniform, national legislation.

The distrust of the people felt in colonial times by many of the ablest and most philanthropic men who were leaders in public thought is dying away, and the power of the people is becoming ever greater. The choice of senators by a select body, for instance, is growing more and more obnoxious, and many advantages are loudly claimed in giving this choice directly to the people themselves. On the other hand, the fear of representatives long kept in public service is fading from the people, and extended periods of official life are known to have given greater

influence to those of distinguished ability and irreproachable character, as well as better service to their constituents.


Leader and led, the sources and representatives of political power, are growing nearer together, more trustful of each other in our national life. More and more the national representative is becoming sympathetic with the heart-beat of the represented. Congress, in early days, sat with closed doors, and its sessions were inviolately secret. To-day, the representative speaks not merely to his fellows in earshot, but to the whole country. His recall for transgression, or rather, the balking of any attempt at transgression, is far more prompt and effective than our fathers dreamed of. The instant indignation of the whole country would reach the capital on the eve of the attempt to subvert the liberties of the people, as seemed to be our fathers' constant fear, and thwart it in conception. The trouble now is, we know far more about our national affairs and take greater interest in them than in our state and municipal concerns. The fear and contempt for the national authority then felt is being transferred to the local.

Every state and every section is equally loyal to an indissoluble union, and bows with patriotic submission to the majority rule of a united people. Our national legislators clasp hands with a constituency that covers the whole country. Leading states lend listening ears to the voice of their sister states when it comes to retaining or sending to our national councils congressmen who have shown a breadth of view that the whole country commends, and the people override the combined power of politicians in the choice of him who is to head the government. More and more the question is becoming, not from what state does he hail but what sort of an American is

he? Hand in hand, national and state sovereignty are marching their harmonious road to national, state, and individual welfare, and making the American system lead the world to that composite, welded community where ruler and ruled stand on common ground; where each state-community is not only left to the independent control of its domestic affairs, its local concerns, but guaranteed security in that control; where local, personal predilections have fullest respect; where no dead sameness enthralls, but diversity of effort in the personal participation of the various peoples in self-government may direct the highest development of all; where the observed progress of independent states stimulates effort; where universal justice and universal advancement are nearest attained; where, in the fruition of God's good time, all people may profit by the lesson of our Federal system, and the nations of the whole earth may establish some great tribunal by which all international questions may be decided—a genuine “Parliament of man, the Federation of the world.”

CHAPTER IX

THE CONTINENTAL CONGRESS—THE DECLARATION OF INDEPENDENCE

 HE oppressions common to all of the colonies had occasioned the formation in each of a "Committee of Correspondence," by which their grievances were discussed and concert of action agreed upon. The negotiations of these committees resulted in the first Continental Congress, composed of fifty-five elected members, which met in Carpenters' Hall, Philadelphia, Monday, September 5, 1774. The following were members:

New Hampshire

John Gilman,

Nathaniel Folsom.

Massachusetts

John Adams,

Thomas Cushing,

Samuel Adams,

Robert Treat Paine.

Connecticut

Silas Deane,

Roger Sherman.

Eliphalet Dyer,

Rhode Island

Stephen Hopkins,

Samuel Ward.

New York

John Alsop,

John Herring,

Simon Boerum,

John Jay,

James Duane,

Philip Livingston,

William Floyd,

Henry Wisner.

New Jersey

Stephen Crane,

William Livingston,

John DeHart,

Richard Smith.

James Kinsey,

Pennsylvania

Edward Biddle,	Thomas Mifflin,
John Dickinson,	John Morton,
Joseph Galloway,	Samuel Rhodes,
Charles Humphreys,	George Ross.

Delaware

Thomas McKean,	Caesar Rodney.
George Read,	

Maryland

Samuel Chase,	William Paca,
Thomas Johnson,	Matthew Tilghman.
Robert Goldsborough,	

Virginia

Richard Bland,	Edmund Pendleton,
Benjamin Harrison,	Peyton Randolph,
Patrick Henry,	George Washington.
Richard Henry Lee,	

North Carolina

Richard Caswell,	William Hooper.
Joseph Hewes,	

South Carolina

Christopher Gadsden,	Edward Rutledge,
Thomas Lynch,	John Rutledge.
Henry Middleton,	

Georgia

Was not represented until September 13, 1775, when she sent:	
Dr. Wimberley Jones,	John Houston,
Archibald Bullock,	Lyman Hall.

Peyton Randolph, of Virginia, was elected the first president, but being speaker of the Virginia assembly, he returned home to attend the session called by Governor Dunmore to consider Lord North's "conciliatory proposition," and Thomas Jefferson was appointed to fill his place.

The succeeding presidents were:

Henry Middleton, of South Carolina;

John Hancock, of Massachusetts;

Henry Laurens, of South Carolina;

John Jay, of New York;

Samuel Huntington, of Connecticut;

Thomas McKean, of Delaware;

John Hanson, of Maryland;

Elias Boudinot, of New Jersey;

Thomas Mifflin, of Pennsylvania;

Richard Henry Lee, of Virginia;

Nathaniel Gorham, of Massachusetts;

Arthur St. Clair, of Pennsylvania;

Cyrus Griffin, of Virginia—fourteen in all.

John Hancock served through the second, third, fourth, fifth, and sixth sessions and was reelected at the eleventh, but did not serve on account of ill health. The vote was by states, each state having one vote. The vote of nine states was necessary to pass any measure. For this reason, many important measures failed of passage. The proceedings of the congress were kept secret. The leaders were not yet ready to trust the people, or else feared the disclosure of what was done would hurt their cause. It became a revolutionary congress, and was merged into the Congress of the Confederation.

The Continental Congress began as a peace congress and was a strenuous, concerted effort for justice and reconciliation, not for independence. Its pathetic appeal to the king is on record as evidence of this, and the expressions of its leading men confirmed it. Here are the expressions of a few:

Said Benjamin Franklin: "I had more than once traveled from one end of the country to the other, kept a variety of company, and never heard from any person, drunk or sober, the least expression of a wish for separation."

John Jay: "During the course of my life, and until the second petition of congress, in 1775, I never did hear an American of any class, or of any description, express a wish for separation. It has always been, and still is, my opinion and belief, that our country was prompted and impelled to independence by necessity, and not by choice."

Thomas Jefferson: "What eastward of New York might have been the disposition toward England, before the commencement of hostilities, I know not; but before that, I never heard a whisper of a disposition to separate from Great Britain, and after that, its possibility was contemplated with affliction by all."

James Madison: "It has always been my impression that a reestablishment of the colonial relations to the parent country, as they were, previous to the controversy, was the real object of every class of the people, till they despaired of obtaining it."

George Washington: "When I first took command of the continental army (1775), I abhorred the idea of independence."

The ripened growth of independence was the result of time and circumstance. So was, still later, the authoritative, permanent national government under the national constitution, since it originated merely from an effort to amend the Articles of Confederation. So also was, still later, the emancipation of all slaves, and the universally accepted idea of the perpetual sovereignty of the United States as one consolidated nation.

Lincoln said, he was "for saving the Union, with slavery, if that *could* be done, without slavery, if that *must* be done; but the Union first, last, and all the time."

All these great events in our history were the culmi-

nations and the climaxes of crises, more the result of necessity than of any first intentions. The American people and the Continental Congress that represented the state did not wish independence of the great nation for which they still cherished a filial affection. What they desired was an enlarged liberty of action bred by their very environment, born of their sense of their right of inheritance as English subjects and consonant with the laws of the sovereign power to which they bowed as citizen-subjects.

Instead of wisely directing this sentiment of loyalty; instead of cultivating the idea that the colonists were children of the British ancestral home, though on distant shores; instead of heeding the masterly appeals of Burke and Pitt to honor and encourage the same spirit that had made England what it was; instead of recognizing the fact that the peculiar situation of the colonists made them the better judges of the peculiar needs of their locality—instead of doing these things, the English government pursued the very course to convince the colonists that they were considered to be a lower race than that of the mother country, that they existed solely to enrich the power they wished to honor, and to serve the people of which they desired to feel themselves a component part.

The colonies first fought separately their own battles for their rights under their charters and as British subjects. When that proved fruitless, they combined as distinct states to secure those rights by joint efforts. When united effort for their rights as British subjects gave no hope of success, they joined hands and leaped to the loftier plane of an independent people. Not until the second session of the Continental Congress did the idea of independence possess that congress, and it is difficult now to realize by what a narrow margin the passage of

the resolution for the declaration of independence was secured in that congress.

In November, 1775, Pennsylvania, and in the following January Maryland and New Jersey, had all positively instructed their delegates to vote against any proposal to separate from Great Britain. But the continued oppressions of the British government and the excesses of its representatives sent over, backed up by the conduct of the loyalists, native to the soil, who sided with them, fanned the kindling fires of freedom.

Since Our Saviour shed His blood for man's redemption, no great cause has ever triumphed, no great right been made secure, no lasting principle placed on enduring basis, that has not been baptized in the blood of mankind. The blood of provincial patriots shed at Lexington settled the course of the colonies.

On May 15, 1776, Virginia instructed her delegates to propose a Declaration of Independence. The famous Mecklenburg declaration of North Carolina had been issued, and the same spirit was stirring through all the colonies. On June 7th, Richard Henry Lee, of Virginia, moved the adoption of the resolution: "That the united colonies are, and ought to be, free and independent states, and that their political connection with Great Britain is, and ought to be dissolved."

This passed by a bare majority of the vote of one state, seven states voting for, six against it. The vote was cast by states. When the state of Pennsylvania was reached, the vote stood even, and that state was equally divided, until John Morton cast the deciding ballot and carried the resolution. On this account, the subject was postponed until July 1st. Meantime, on June 11th, Lee having returned home on account of sickness, a committee, consisting of Thomas Jefferson, John Adams, Benja-

min Franklin, Roger Sherman, and Robert R. Livingston, was appointed to prepare a formal declaration. This it reported, as drawn by Thomas Jefferson, on June 28th. Consideration of it was resumed, and, on that day, nine colonies supported it. By July 4th, Delaware, Pennsylvania, and South Carolina joined with the majority. The provincial assembly of New York on July 9th instructed the delegation from that state to sign it, and the action became unanimous. The declaration was then engrossed and signed by all of the delegates, except Thomas McKean, of Delaware, who signed in October, and Matthew Thornton of New Hampshire, who signed it in November.

While it was being signed, one of the delegates remarked: "Now, we must all hang together," when Benjamin Franklin replied in grim humor: "Indeed we must, or assuredly, we shall all hang separately."

Of the three hundred men who were members of the Continental Congress and the Congress of the Confederation from first to last, most of them were prominent in the history of their states, and later in the history of the United States. Many of the ablest members were sent abroad on foreign missions, or called into the military service. In a letter to Benjamin Harrison, Washington complained bitterly of the absence of such men from the congress, and suggested that the states enforce compulsory attendance of their best and strongest men. When a place in the national congress is the acme of the ambition of so many of the ablest men of our time, it is hard to believe it was so difficult to induce such men to accept similar positions at that time. But there was a large amount of human nature in the men of that day, as there always will be. At heart, they doubted the permanent success of the confederation. Its helplessness from lack of coercive power made a position in it a place, not of

accomplishment, but of criticism. The noblest ambitions and the best efforts can only be secured by a government of permanent authority. The states themselves were permanent, sovereign organizations, and the man who looked for a secure future sought his work within his own state.

From July 7, 1778, to June 9, 1783, the congress held one continuous session of 1816 days, the longest session known in American history. On September 3, 1783, the treaty of peace between Great Britain and the United States was signed, on the part of the former by David Hartley, of the latter by Benjamin Franklin, John Adams, and John Jay, and the independence of the United States was acknowledged.

Then began a struggle, almost as bitter and lasting nearly as long as the War of Independence, for a government that would secure and perpetuate what had been so grandly achieved. When it is considered that, during this trying period, the government had really no executive head or judiciary, and was directed by a legislative body whose limits were ill defined and whose powers were simply those of persuasion; when it is remembered that there was a constantly growing public debt, with an increasing uncertainty of its payment, and no treasury; when it is realized that the government had no power to enforce observance by the states of its treaties with foreign powers, or of its demands for funds to meet obligations, our wonder grows that independence was ever accomplished, and we can but attribute it to a power beyond that of humanity.

Washington wrote: "The Confederation seems to me to be but little more than a shadow without the substance, and Congress a nugatory body, their ordinances being but little attended to."

In this day, when there is instant recognition in all sections and by all classes of the supremacy of the Federal authority, it is difficult to comprehend what little heed was given to that central power in that early day, and how its waning influence and its disregarded appeals made it an object of pitying ridicule.

CHAPTER X

THE SIGNERS OF THE DECLARATION OF INDEPENDENCE



THE signers of the Declaration of Independence laid the foundations for free government, not only for their own country, but for the world. Their names and deeds belong to all history. Their memories are and will be enshrined in the hearts of humanity. They knowingly dared more than life to proclaim principles that can never die. They faced, and they knew they faced, the loss of all they had, or ever would have, the halter, and the infamy of condemned traitors, on the one hand; the immortal glory of liberty's patriot heroes, on the other. But they drew the inspiration of their action from a higher source than personal ambition. They were as unhindered by the promptings of personal fear as they were uninfluenced by the glare of individual glory. Never in the history of the human race did men rise to a greater height of self-immolation in a supreme sense of duty to right, to justice, to freedom, and to humanity. Never was a more devout appeal made by God-fearing men to the Almighty, to whom alone they bent the knee of adoration, for judgment upon the rectitude and sincerity of their unselfish and perilous action. Never has that God so voiced in history Divine approval of mortal conduct. Aside from national achievement that has been the admiration of and benediction to the world, witness the individual blessings to them, themselves, and let the people of America realize from both that God rules in the affairs of men.

The average life of these fifty-six men was sixty-five years. Four lived to be ninety, and upwards. Fourteen lived to be over eighty, and twenty-three to be over seventy years of age. The average life of the fourteen members of the New England delegation was seventy-five years. The large majority of them were blest in basket and in store. Nearly every one of them was called to a lofty place of honor, and filled and left that place crowned with additional renown. That blessing has come down with their descendants. The history of their country tells of their useful lives of honorable service.

These are the chief events in the careers of the fifty-six men who braved the fury of the most powerful nation on the earth to plant the standard of civil and religious liberty for all mankind. The sketches are given in the order of their signatures, beginning with John Hancock, who was a delegate from Massachusetts, president of the congress, and the first man who signed the declaration.

JOHN HANCOCK was born in Quincy, Massachusetts, January 12, 1737, and died October 8, 1793.

He graduated at Harvard College, entered the mercantile establishment of a wealthy uncle, whose fortune and business he inherited, and added to, and became one of the wealthiest men of Massachusetts. He was one of the most active of the Sons of Liberty in the stirring events preceding the Revolution, and with Samuel Adams was outlawed by Great Britain when amnesty was offered to all rebellious subjects who would acknowledge and return to British allegiance. There was no more able or influential member of the provincial congress of Massachusetts, of which he was president. He was several times elected president of the Continental Congress; was a major-general in command of the Massachusetts troops, and gave liberally of his abundant means to the Revolutionary cause.

He began his legislative career in the Massachusetts legislature in 1766, and was continually in public station from that time until his death. He was a member of the convention that framed the constitution of Massachusetts, became the first governor thereunder in 1780, and, with the exception of two years when he declined the office, was annually reëlected until the close of his illustrious life.

From New Hampshire

JOSIAH BARTLETT was born in Amesbury, Massachusetts, November 21, 1729, and died May 19, 1795.

He was educated in the common schools, studied medicine, and then law. He entered the New Hampshire legislature in 1765, and continued a member until 1776, and was a member of that state's Committee of Safety. To win his favor, the English governor appointed him colonel and magistrate, but, in 1775, deprived him of both offices on account of his loyalty to the rights of his colony.

In the Continental Congress, he cast the first vote for, and was the first member after Hancock to sign, the Declaration of Independence; was one of the framers of the Articles of Confederation; and naval agent of that congress until 1778. In the Bennington campaign he served under General Stark. In 1779 he was elected chief justice of the court of common pleas of New Hampshire; in 1782, was elevated to the supreme court of that state, and in 1788 became its chief justice. He was president of the state of New Hampshire from 1790 to 1793; the first governor under its constitution; and declined an election to the United States senate. He was the founder and president of the New Hampshire Medical Society.

WILLIAM WHIPPLE was born in Kittery, Maine, January 14, 1730, and died November 28, 1785.

He was for many years a captain of a sailing vessel, in the West Indies trade, and amassed a fortune. He served repeatedly as a member of the provincial congress of New Hampshire; was a brigadier-general in the Revolutionary army; a member of the Continental Congress from 1776 to 1779; studied law, and was a judge of the supreme court of New Hampshire from 1782 until his death.

MATTHEW THORNTON was born in Ireland in 1714, and died June 24, 1803.

He was educated at Worcester, and became a physician, then a lawyer. He was president of the provincial congress; a judge of the superior court, and later chief justice of the New Hampshire court of common pleas. He was a member of the governor's council under Governor John Langdon. Prior to the Revolution he was a colonel in the royal militia.

He was not present when the Declaration of Independence was passed, and in consequence was the last member to sign.

From Massachusetts

SAMUEL ADAMS was born in Boston, Massachusetts, September 22, 1722, and died October 2, 1803.

He graduated from Harvard at the age of eighteen. Three years after, he delivered the master's oration at that college, taking the affirmative of the proposition, "Whether it be lawful to resist the supreme magistrate if the commonwealth cannot otherwise be preserved?"

This position, when Washington, John Adams, and Richard Henry Lee were boys, and before Jefferson's birth, was the key-note of his life. From that time he became

the most famous advocate in New England in behalf of colonial rights, and won the title, "Father of the American Revolution."

He was the first man to propose the Stamp Act Congress, and in 1772 proposed the first Committee of Correspondence for Massachusetts. From 1765 to 1774 he was a member of the Massachusetts legislature, many times president of its senate, and from 1774 to 1781 a member of the Continental Congress. He was an active member in framing the constitution of Massachusetts; was lieutenant-governor of that state from 1789 to 1794; succeeded Hancock as governor and was annually reëlected until his retirement from public life in 1797. In the Continental Congress he took high rank, and was one of the framers of the Articles of Confederation. He was an intense "states' rights" man, and long hesitated to support the ratification of the Federal constitution, because it did not expressly define the powers of the national government.

With Hancock he was outlawed by the British government, and his outburst, in support of the Declaration of Independence, "If nine hundred and ninety-nine out of every thousand perish, let us persist in the struggle," was no mere passionate utterance, but his sincere sentiment.

Said John Adams, his distant relative, "If the American Revolution was a blessing and not a curse, the name and character of Samuel Adams ought to be preserved. It will bear a strict and critical examination even by the inveterate malice of his enemies."

Josiah Quincy said that many in England considered him the first politician in the world.

Said George Bancroft: "He was a masterly statesman, and the ablest political writer in New England. No blandishments of flattery could lull his vigilance, no

sophistry deceive his penetration. Difficulties could not discourage his decision, nor danger appall his fortitude. He never, from jealousy, checked the advancement of others; and in accomplishing great deeds, he took to himself no praise. Seeking fame as little as fortune, and office less than either, he aimed steadily at the good of his country and the best interests of mankind. For himself and for others, he held that all sorrows and all losses were to be encountered, rather than that liberty should perish."

He was chiefly instrumental in forcing the withdrawal of the British troops after the Boston massacre; and has always been understood to have been the leader, if not organizer, of the celebrated "Boston Tea Party," who, dressed as Indians, emptied the cargoes of tea into the harbor of Boston, the last survivor of whom, Father Ken-nison, died in Chicago, Illinois, at the remarkable age of nearly one hundred and sixteen years, and near whose grave in Lincoln Park the Sons of the American Revolution and the Daughters of the American Revolution joined in erecting a monument in 1903.

JOHN ADAMS was born in Quincy, Massachusetts, October 30, 1735, and died July 4, 1826.

He graduated at Harvard, and taught school while preparing for the law, in which he achieved distinction as advocate, jurist, and author before the Revolution. He was an influential member of the provincial congress of Massachusetts, and its general councilor in 1773 and 1774. In the Continental Congress he was a member of ninety committees, and chairman of twenty-five. During the Revolution he was minister to France and to Holland, and secured the loans that helped accomplish our independence. He was special commissioner to England to treat for peace in 1779, and in 1785 was sent as the first

minister to England from the independent government. To the greeting of George III., that he was glad to receive a minister who had no prejudices in favor of France, he replied that he had no prejudices but in favor of his native land. While in England, in 1787, he published in three volumes a masterly defense and exposition of the American constitutions. With Franklin, Jay, Jefferson, and Laurens he assisted in settling the conditions of peace with Great Britain.

It was upon his motion and due to his earnest efforts that Washington was selected as commander-in-chief in 1774. His eulogy of Washington was so complimentary that Washington's modesty drove him from the chamber. Hancock and many of the New England delegates favored a man from their section for that important station, and, it is said, the look of disappointment on Hancock's face as Adams advocated the selection of Washington was plainly apparent to the whole congress.

He was the first vice-president of the United States, serving eight years under Washington, and succeeding him as president. His last public service was in aiding to revise the constitution of Massachusetts in 1820. He advocated, was on the committee to frame, voted for, and signed the Declaration of Independence. His own account of the writing of that Declaration, so dear to every American, is as follows:

"The committee met, discussed the subject, and then appointed Mr. Jefferson and me to make the draft, I suppose because we were the two first on the list.

"The sub-committee met. Jefferson proposed to me to make the draft. I said, 'I will not.' 'You should do it.' 'Oh, no!' 'Why will you not? You ought to do it.' 'I will not.' 'Why?' 'Reasons enough.' 'What can be your reasons?' 'Reason first, you are a Virginian, and a Virginian ought to appear at the head

of this business. Reason second, I am obnoxious, suspected, and unpopular. You are very much otherwise. Reason third, you can write ten times better than I can.' 'Well,' said Jefferson, 'if you are decided, I will do as well as I can.' 'Very well, when you have drawn it up we will have a meeting.' "

Mr. Adams adds, it was reported without change by the committee, when congress cut off about a quarter of it, and some of the best of it.¹

And this is how Thomas Jefferson, the statesman who never made a speech, came to immortalize himself in the writing of the Declaration of Independence.

Strange, but happy coincidence, that these two men, after wearing the highest honors a grateful country could bestow, just fifty years to a day from the day of the adoption of that Declaration, and almost at the same hour, should have gone to the rewards of the Great Beyond.

ROBERT TREAT PAINE was born in Boston, Massachusetts, March 11, 1731, and died May 11, 1814.

He graduated at Harvard College, taught school to help support his parents, made a tour and study of European countries, studied theology, was a chaplain with the provincial troops in 1758; then studied law, helped to draft the constitution of Massachusetts, was speaker of its legislature, became attorney-general, and from 1790 to 1804 was a judge of the Massachusetts supreme court. He was a member of the Continental Congress from 1774 to 1778, and one of the founders of the American Academy. His eloquence, his sound judgment, his pious and irreproachable character made him one of the most influential orators and writers of the period.

ELBRIDGE GERRY. (See Framers of the Constitution, page 142.)

¹ Letter to Timothy Pickering, August 6, 1822.

From Rhode Island

STEPHEN HOPKINS was born in Scituate, Rhode Island, March 7, 1707, and died July 13, 1785.

He was a self-educated man, and the most famous mathematician of his day. He achieved great distinction as a lawyer; was fourteen times elected a member, and was speaker of the Rhode Island assembly from 1732 to 1741; chief justice of the common pleas court, and twice chosen to be chief justice of the supreme court of Rhode Island; a delegate to the Albany convention in 1754, and one of the committee who drew up the plan for the union of the colonies at that convention.

From 1754 to 1768 he was governor of Rhode Island. He was, also, chancellor of Brown University, and founder of the Providence library. He served in the Continental Congress from 1774 to 1779, and was the member from Rhode Island of the committee to draft the Articles of Confederation. He was United States district judge from 1780 until his death.

While chief justice of the supreme court of Rhode Island, the king's revenue schooner *Gaspee* was seized and burned. An order came from the British ministry to send the offenders to England for trial. The matter came before Judge Hopkins, who refused to obey the order, holding that it was contrary to justice to transport offenders for trial.

WILLIAM ELLERY was born in Newport, Rhode Island, December 22, 1727, and died February 15, 1820.

He was a graduate of Harvard; was a successful merchant, entered the law, and achieved a high reputation in its practice, and became chief justice of the supreme court of Rhode Island. From 1776 to 1785, except two years, he was a member of the Continental Congress, and was especially serviceable as a member of the ma-

rine committee, the postal committee, and the treasury board.

In the invasion of Rhode Island by the British, he suffered great loss of property. He was one of the most strenuous advocates for the abolition of slavery. His attainments as a scholar and a lawyer were of the highest order. He died holding a copy of Cicero's works in his hand.

He said that he was determined to see how all looked as they signed what might be their death warrant, and eyed each closely as he affixed his signature to the Declaration of Independence. Unalterable resolution was displayed in every countenance.

From Connecticut

ROGER SHERMAN. (See Framers of the Constitution, page 146.)

SAMUEL HUNTINGTON was born in Windham, Connecticut, July 3, 1731, and died January 5, 1796.

He was a farmer's boy, learned and worked at the trade of a cooper, and by dint of earnest study fitted himself for the practice of law, in which he achieved marked distinction, being chosen king's attorney before the Revolution, and for ten years thereafter being a judge and finally chief justice of the supreme court of Connecticut. He was a member from 1776 to 1783 and one of the presidents of the Continental Congress; was lieutenant-governor, and then governor of Connecticut from 1786 to 1796.

WILLIAM WILLIAMS was born in Lebanon, Connecticut, April 18, 1731, and died August 11, 1811.

He was a graduate of Harvard; a member of the Connecticut committee of safety; speaker of the Connecticut assembly; and one of the most vigorous writers in the

effort to arouse the spirit of resistance to British oppression among his countrymen. He spent his entire fortune in aid of the Revolution. His last official service was as a member of the convention in Connecticut called to ratify the Federal constitution. He was councilor of his state for twenty-four years, and judge of the probate court for forty years.

OLIVER WOLCOTT was born in Windsor, Connecticut, November 26, 1726, and died December 1, 1797.

He graduated at Yale College, studied medicine, and then law. He was a member of the Connecticut council for twelve years; judge of the county court; was a gallant officer in the Revolutionary army; assisted in the capture of General Burgoyne; was made a brigadier-general on the field at Saratoga, and rose to the rank of major-general. He was for ten years lieutenant-governor, and then governor of Connecticut.

From New York

WILLIAM FLOYD was born in Brookhaven, New York, December 17, 1734, and died August 4, 1821.

He took a vigorous part in the events preceding the Revolution; was a member of the New York Committee of Correspondence; a brigadier-general in the Revolutionary army; was a member of the Continental Congress from 1774 to 1782; a member of the state senate of New York; and a member of the congress of the United States. During the seven years of the British occupation of Long Island, his family were in exile and his estate was despoiled by the British soldiers.

PHILIP LIVINGSTON was born in Albany, New York, January 15, 1716, and died June 12, 1778.

He was a member of that illustrious family, descended from Lord Livingston, guardian of Mary, Queen of Scots.

which contributed so many of its sons to the galaxy of statesmen and jurists, honored in and makers of American history.

Robert Livingston, the first of the family in America, like William Penn, obtained by purchase from the Indians the title to a vast tract of land on the Hudson, which was confirmed by the English governor, Dongan, and by special patent of George I. created "The Manor of Livingston," giving the proprietor judicial rights, as well as the right to representation in the provincial congress.

Philip Livingston graduated at Yale College, and became one of the leading importers of New York City. Said Charles Hardy, "Among the considerable merchants of this city no one is more esteemed for energy, promptness, honesty, and public spirit than Philip Livingston." In 1754 he was elected one of the seven aldermen of New York City, and held that position for nine years. The same year he was elected to the provincial congress, and with a brief interval continued a member until its dissolution in 1769. The occasion of that interval displayed the courage and the popularity of the man. He had just been elected president of the congress when he opposed the taxation schemes of Great Britain, and was unseated by the Tory majority. His constituents at once returned him. From that time he became a leader in arousing the spirit of opposition to British aggression, and was one of the principal patriots who occasioned the calling of the Stamp Act Congress, in which he took a prominent part.

In 1774 he drew up a spirited address to the English lieutenant-governor, Colden, which won the admiration of his own and the other colonies. In that year he was sent to the Continental Congress, of which he continued a member until his death. With Richard Henry Lee and John Jay, he assisted in preparing the two state papers put

forth by the first congress. He was on many of the principal committees, notably the treasury board and the marine committee, on which his ability and experience as a business man made him most efficient.

He was the correspondent, and became the intimate friend of Edmund Burke, whose stand in the British parliament was largely due to the information given him by Mr. Livingston, as shown by the use of that information in Burke's celebrated speeches in behalf of the oppressed colonies. At the same time that he was a member of the Continental Congress he was the president of the New York assembly. When the adoption of the Declaration of Independence hung trembling in the balance, it was the eloquence and influence of Philip Livingston, who had so much to lose if disaster befell the undertaking, that induced that assembly to vote the instructions to the delegates from his state to sign that instrument. His fruitful labors in the Continental Congress and his own state, in a grateful country's memory, place him high among the unselfish, courageous patriots who dared their all for the cause of liberty and humanity.

He was a senator in the first legislature of reorganized New York, and one of the framers of that state's constitution. His attendance at the last session of the Continental Congress at which he was present was at the special request of the New York assembly. He was in feeble health, and his obedience to this call of honor hastened his death, thus verily giving his life in the service of the country, to aid which he had disposed of a great part of his large estate.

His home on Brooklyn Heights was one of the famous mansions of the city. There Washington held his council of war when it was decided that the Americans should

abandon Long Island to the British. That palatial home the British turned into a hospital for their soldiers.

He was a man of active and sincere piety, and contributed greatly to the business, moral, and intellectual advancement of New York, as shown by his being one of the founders of King's College, of the New York Society Library, of the New York chamber of commerce, and of the New York hospital. He also founded the chair of divinity at Yale College that bears his name, and was one of the chief contributors to the building of the first Methodist church erected in America.

His great and useful erudition, his vast experience and sound judgment, his active philanthropy made his death a national calamity. He was universally mourned, his funeral attended by the entire Continental Congress, the members of the state assembly, and the day thereof observed as a day of mourning throughout the entire state of New York.

FRANCIS LEWIS was born in Llandaff, Wales, in 1713, and died December 30, 1803.

He was educated at the celebrated Westminster school; was a merchant; came to this country in 1734, and became one of its most extensive traders with foreign countries. During the colonial war he was taken prisoner by the French in 1757. For his heroic services he was given five thousand acres of land by the province of New York. He was a delegate to the Stamp Act Congress, and a member of the Continental Congress from 1775 to 1779.

The Tories confined his wife in prison until the hardships occasioned her death, and he lost all his property during the Revolutionary War, and died in poverty. His lot was the hardest of any of the patriots held in the country's reverent memory as signers of the Declaration of Independence.

LEWIS MORRIS was born in Morrisiana, New York, in 1726, and died January 22, 1798.

He was a graduate of Yale College; became a member of the New York legislature, and was a major-general in the Revolutionary army.

He also was an especial sufferer at the hands of the British, his estate being laid waste by them during the war. When signing the Declaration he predicted this would be done. He was succeeded in the Continental Congress by his half-brother, Gouverneur Morris.

From New Jersey

RICHARD STOCKTON was born near Princeton, New Jersey, October 1, 1730, and died February 28, 1781.

He graduated at Princeton with the highest honors of his class in 1748, and soon attained great distinction at the bar. He was chosen as one of the royal judges, and was thereafter judge of the supreme court of New Jersey, and a member of that state's council.

He visited England in 1766, and was accorded distinguished honor by the king, and the Earl of Chatham, his high reputation as a scholar and jurist having preceded him, and made him a welcome visitor. At Edinburgh he was given a public dinner, and voted the freedom of the city. It was through his efforts that Dr. John Witherspoon was induced to come to America and accept the presidency of Princeton College.

In the latter part of 1776, he was captured by the British and cast into prison. This so shattered his health that he never recovered. His library was destroyed, his estate devastated, the paintings of himself and family pierced with bayonets, and every indignity heaped upon his inanimate possessions.

JOHN WITHERSPOON was born in Gifford, Scotland, February 5, 1722, and died November 15, 1794.

He was a lineal descendant of John Knox; educated at Edinburgh, and one of the most celebrated scholars and ministers of Scotland. He came to America in 1767 to become president of Princeton College, and was one of the most famous and useful of her many great presidents. At the same time he was professor of divinity in the college, and pastor of a Presbyterian church. He took as devoted interest in his adopted country as any of its native sons; assisted in framing the constitution of New Jersey; was a member of its secret committee and board of war, and for seven years a member of the Continental Congress. He was one of the most noted speakers and writers of his day.

FRANCIS HOPKINSON was born in Philadelphia, Pennsylvania, September 21, 1737, and died May 9, 1791.

He was a graduate of Princeton, and a judge of the admiralty court of New Jersey for ten years; was one of the framers of the Articles of Confederation, and after the organization of the government was a judge of the United States district court until his death.

He was a poet of celebrity. His most famous poem, "The Battle of the Kegs," was one of the most popular of the Revolutionary poems, and an excellent satire upon the British.

JOHN HART was born in Hopewell, New Jersey, in 1708, and died in 1780.

He was a farmer and also a lawyer, and acquired the sobriquet of "Honest John Hart." He was a member of the Continental Congress from 1774 to 1777. Notwithstanding the amiability of character that endeared him to his neighbors, and gave him his name, he was the object of furious hatred by the British, and hunted by them

from place to place until the surrender of the Hessians at Trenton.

ABRAHAM CLARK was born in Elizabethtown, New Jersey, February 15, 1726, and died September 15, 1794.

He was also a farmer who became a lawyer, and earned the title of "the poor man's counselor." He was a member of the New Jersey committee of public safety, and, except one session, a member of the Continental Congress from 1776 to 1783. He was a member of the Annapolis convention, and of the second congress of the United States.

From Pennsylvania

ROBERT MORRIS. (See Framers of the Constitution, page 157.)

BENJAMIN RUSH was born near Philadelphia, December 24, 1745, and died April 19, 1813.

He graduated at Princeton in his fifteenth year, and was remarkable both for his precocity and erudition in later life. He was educated as a physician at Edinburgh, Scotland, London, and at Paris; was one of the most eminent physicians our country has ever known. His memory is perpetuated in the celebrated Rush Medical College at Chicago, and medical colleges of the same names in other cities of the United States. He was celebrated as a professor in the medical colleges of his day, and as a most voluminous writer on medical topics.

In the yellow fever epidemic in Philadelphia he was the only physician who met with marked success in its treatment, and it is claimed saved over six thousand lives during its reign of terror. He founded the first dispensary in the United States, and was the principal agent in the founding of Dickinson College. He was president of the society for the abolition of slavery, president of the

Philadelphia Medical Society, vice-president and founder of the Philadelphia Bible Society, and vice-president of the American Philosophical Society. In 1805, for his replies to questions on the treatment of yellow fever, the King of Prussia gave him a gold medal, the Queen of Etruria a gold medal, and the Emperor of Russia a diamond ring. He was treasurer of the United States mint for fourteen years. He was as noted for his sincere and unostentatious piety as he was for his great learning and tireless industry.

BENJAMIN FRANKLIN. (See Framers of the Constitution, page 153.)

JOHN MORTON was born near Ridley, Pennsylvania, in 1724, and died April 1777.

He was a well educated man, though not a collegian. He was for many years a member and speaker of the Pennsylvania legislature; a member of the Stamp Act Congress; presiding judge of the common pleas court, and judge of the supreme court of the province. In the Continental Congress he assisted in framing the first Articles of Confederation. It was his vote that decided the vote of his state, and so decided the vote in favor of the Declaration of Independence. This act alienated many of his friends, and on his death-bed he told his family that his vote for independence would prove to be the most illustrious act of his life, and so it proved to be. All honor to his memory!

GEORGE CLYMER. (See Framers of the Constitution, page 153.)

JAMES SMITH was born in Ireland in 1720, and died July 11, 1806.

He was a graduate of the College of Philadelphia. He raised and was captain of the first volunteer company in Philadelphia in 1774. He was a member of the Pennsylvania legislature, and of the convention that framed the

new government for the state; was a member of the Continental Congress from 1775 to 1778, and an eminent lawyer.

GEORGE TAYLOR was born in Ireland in 1716 and died February 23, 1781.

He was a well-educated man, and amassed a fortune in the manufacture of iron. He was a member of the Pennsylvania assembly from 1764 to 1770, and judge of the Northumberland county court. He was noted for his probity in all his business dealings.

JAMES WILSON. (See Framers of the Constitution, page 158.)

GEORGE ROSS was born in Newcastle, Delaware, in 1730, and died July, 1779.

He was a lawyer; a member of the Pennsylvania assembly from 1768 to 1774; of the Continental Congress from 1774 to 1777, and a judge of the Pennsylvania court of admiralty. He declined the presentation of a magnificent set of plate tendered by his constituents for his services in the Continental Congress, on the ground that it was his duty to serve his country without reward.

From Delaware

CAESAR RODNEY was born in Dover, Delaware, October 7, 1728, and died June 29, 1784.

He was sheriff, then a judge; a member of the Stamp Act Congress; speaker of the Delaware assembly; a member of the Delaware committee of correspondence; president of the state of Delaware from 1778 to 1782, and a brigadier-general in the Revolutionary army.

GEORGE READ. (See Framers of the Constitution, page 160.)

THOMAS MCKEAN was born near New London, Pennsylvania, March 10, 1734, and died June 24, 1817.

He was educated at the celebrated school of Dr. Alli-

son, at New London, and was one of the most famous lawyers of his day. He was a member of the Pennsylvania assembly from 1752 to 1769; of the Stamp Act Congress, where he, Lynch, and Otis framed the address to the British parliament. He was the only man who was a member of the Continental Congress during the whole time of its existence, and was one of its presidents. He was very active in procuring the adoption of the Declaration of Independence; was one of the committee to frame the Articles of Confederation; colonel of militia in the Revolutionary army; president of Delaware from 1777 to 1779; chief justice of the supreme court of Pennsylvania, and governor of Pennsylvania from 1799 to 1808. He was a law author of celebrity, and one of the most famous jurists and orators of that remarkable period.

His denunciation of Timothy Ruggles, the Tory president of the Stamp Act Congress, for refusing to sign its address to the king, provoked a challenge to a duel, but the members of congress prevented it.

From Maryland

SAMUEL CHASE was born in Somerset, Maryland, April 17, 1741, and died June 19, 1811.

He was a member of the colonial legislature for twenty years; a member of the Maryland committee of correspondence, and of the Continental Congress from 1774 to 1779. He was most efficient in changing the sentiment of Maryland, securing the repeal of the instructions given the delegation from that state to vote against independence, and an instruction that authorized him and his colleagues to vote for the Declaration.

He was judge of the Maryland criminal court, chief justice of that state's superior court, and a justice of its supreme court.

His life was an eventful and stormy one. While judge of the criminal court at Baltimore, two very popular men were arrested and refused to give bail. Judge Chase ordered the sheriff to summon a *posse comitatus* and take them to jail. The sheriff reported that all whom he summoned refused to serve. "Summon me, then," ordered the judge. The sheriff obeyed, and the judge left the bench, seized the rebellious prisoners, and was marching them to the jail, when they took discretion to be the better part of valor and gave the required bail. An effort was made to impeach him, but it failed.

He was appointed a justice of the supreme court of the United States in 1796, and served in that exalted station for fifteen years. He was tried under articles of impeachment while holding that position, but was acquitted. He was a very decided, positive character, and one of the greatest of our early jurists.

WILLIAM PACA was born in Wye Hall, Hartford County, Maryland, October 31, 1740, and died in 1799.

He was educated at the College of Philadelphia, and for the law in London, England. He was a member of the Maryland legislature in 1771; of the Maryland committee of correspondence; of the Continental Congress from 1774 to 1779; of the state senate from 1777 to 1779; chief justice of the Maryland supreme court from 1778 to 1780; governor of Maryland from 1782 to 1786, and United States district judge from 1789 to 1799.

THOMAS STONE was born in Charles County, Maryland, in 1743, and died October 5, 1787.

He was educated under a celebrated Scotch teacher, and adopted the profession of the law. He was many times a member of the Maryland assembly; a member of the Continental Congress from 1775 to 1779, and again from 1783 to 1784, being at one time president *pro tem*-

pore of that body; and among other committees served on the committee to prepare the Articles of Confederation.

CHARLES CARROLL, of Carrollton, was born in Annapolis, Maryland, September 8, 1737, and died November 14, 1832, the last survivor of the signers of the Declaration of Independence.

He was of a wealthy Catholic family, and was educated at St. Omers and a Jesuit College at Rheims. He prepared for the bar, both in France and at the Temple, London, England, and was a man of rare literary and legal attainments. With Franklin and Samuel Chase he visited the colonies in Canada, and made the fruitless effort to induce Canada to join in the war for independence. He was a member of the Maryland provincial congress; a member of the Continental Congress from 1774 to 1778, and an able factor in inducing the Maryland legislature to change its instructions and permit the Maryland delegation to vote for the Declaration of Independence.

He was elected one of the first United States senators from Maryland, but resigned in 1791, and became a member of the Maryland state senate, in which body he closed his public career in 1804.

It is claimed that he appended to his name "of Carrollton" in order that the British might have no question in his identification, he being one of the wealthiest men of the state, but there was another Charles Carroll, and it was done from no purse-proud feeling, but to designate which one of the Charles Carrolls he was. As the last survivor of those who signed the Declaration of Independence, as well as in tribute to his eminent Christian character and splendid accomplishments, he was the object of universal reverential regard during the last years of his long and illustrious life.

From Virginia

GEORGE WYTHE. (See Framers of the Constitution, page 166.)

RICHARD HENRY LEE was born in Stratford, Virginia, January 20, 1732, and died June 19, 1794.

He was educated in England, entered the Virginia house of burgesses in 1757, and soon became famous as an orator. He was a member of the leading committees in the Continental Congress, and wrote the memorial of that congress to the British in 1774, and the second address to them in 1775. In a brilliant speech he moved the adoption of the Declaration of Independence, and the formation of the Articles of Confederation. But for his imperative call home, when he was succeeded by Thomas Jefferson, he would have been chairman of the committee to prepare that immortal instrument. He was again a member of the Continental Congress from 1778 to 1780, 1784 to 1787, and president of that congress in 1784. He was United States senator from 1789 to 1792. He was the ablest opponent of the ratification of the constitution.

THOMAS JEFFERSON was born in Shadwell, Virginia, April 13, 1743, and died July 4, 1826.

He graduated at the College of William and Mary, and studied law under the celebrated George Wythe, who cherished him as a son, and willed to him his library. From 1769 to 1775 he was a member of the Virginia house of burgesses, and introduced the bill empowering masters to free their slaves. He was a member of the Virginia committee of correspondence. At the age of thirty-three he entered the Continental Congress, and became the author of the Declaration of Independence. He had a clause in this condemning slavery, but it was stricken out. His brief career in the Continental Congress

was doubly remarkable, as he retired from it in October, 1776, and was not again a member until 1783, when he reported the treaty of peace between the United States and Great Britain, and assisted Gouverneur Morris in framing our decimal system of currency. From 1785 to 1789 he was our minister to France. In consequence of his experience abroad he became morbidly suspicious of a monarchical party in the United States, and while a member of one of the most aristocratic families in Virginia, was forever after most democratic in his habits.

He was the first secretary of state for the United States, the second vice-president, and the third president. He was the founder of the University of Virginia, and its rector until his death. The epitaph on his tomb, composed by himself, reads, "Here lies the body of Thomas Jefferson, author of the Declaration of Independence, of the statutes of Virginia for religious freedom, and father of the University of Virginia."

He was devoted to his state, and after leaving the Continental Congress in 1776, he sought membership in the Virginia legislature, and many of the best laws of that state were due to his efforts. He was governor of Virginia from 1779 to 1781.

The motto on his seal was, "Rebellion to tyrants is obedience to God." His teachings and influence dominate much of the political thought of the country to this day. He will live as one of the greatest statesmen whom America will ever honor.

BENJAMIN HARRISON was born in Berkeley, Virginia, in 1740, and died April, 1791.

He was a graduate of the College of William and Mary, and a leader in the Virginia house of burgesses. He was a member of the Continental Congress from 1774 until he resigned therefrom in 1777, and was chairman of

its board of war. He was speaker of the Virginia house of burgesses, and three times governor of that state. He was one of the able opponents of the ratification of the Federal constitution.

He was a very stout man, and his grim humor at the time of the signing of the Declaration of Independence was equal to that of Benjamin Franklin. Elbridge Gerry, who was very slender and of light weight, was standing by Harrison, when the latter said, as to the prospect of all of them being hung as traitors: "It will be over with me in a minute, but you will be kicking in the air for half an hour after I am gone."

His illustrious family has furnished two presidents of the United States, and many noted public characters.

THOMAS NELSON, JR., was born in Virginia, December 26, 1738, and died January 4, 1789.

He was educated at Cambridge, England; was a prominent member of the house of burgesses, and of the convention in 1776 that framed the Virginia constitution. He raised two millions as a loan to the Revolutionary government, largely on his own personal security, and advanced the money to pay two regiments of Virginia troops what was due them, thus wrecking his ample estate. He commanded the militia at the battle of Yorktown, and directed the bombardment of his own palatial home, which Cornwallis was supposed to occupy. He succeeded Jefferson as governor of Virginia in 1781. After peace was declared he lived in retirement, so poor that when he died all he possessed was sold to pay his debts.

FRANCIS LIGHTFOOT LEE was born in Stratford, Virginia, October 14, 1734, and died April 3, 1797.

From 1768 to 1772 he was an influential member of the Virginia house of burgesses, and from 1775 to 1779 of the

Continental Congress. He was active in framing the Articles of Confederation. He was a state senator after the Revolutionary war, but declined all other public positions.

CARTER BRAXTON was born in Newington, Virginia, September 10, 1736, and died October 10, 1797.

He was educated at the College of William and Mary, and spent four years in the universities of England. He was a member of the Virginia house of burgesses, and one of the strongest supporters of Patrick Henry until royal rule was overthrown. He succeeded Patrick Henry in the Continental Congress. After peace was declared he reëntered the Virginia legislature, and was one of the council of state from 1789 to 1791.

From North Carolina

WILLIAM HOOPER was born in Boston, Massachusetts, June 17, 1742, and died in October, 1790.

He was a graduate of Harvard College; an eminent lawyer, a member of the provincial legislature of North Carolina, and of the Continental Congress. He resigned soon after signing the Declaration of Independence, and devoted the rest of his life to his profession.

JOSEPH HEWES was born in Kingston, New Jersey, in 1730, and died November 10, 1779.

He was a graduate of Princeton, and was of Quaker descent. He was engaged in mercantile life in his adopted state. He entered the colonial legislature, and was on the committee to state the rights of the colonies. In the Continental Congress he was the head of the naval committee, and *de facto* the secretary of the navy; was one of the framers of the Articles of Confederation, and continued a member of that congress until his death.

JOHN PENN was born in Caroline County, Virginia, May 17, 1741, and died in September, 1788.

After a liberal education he studied law with the celebrated Edmund Pendleton. He was speaker of the North Carolina legislature. He was a member of the Continental Congress in 1775, 1776, 1778, and 1780, and was in charge of the public offices in North Carolina at the time that Lord Cornwallis invaded the state.

From South Carolina

EDWARD RUTLEDGE was born in Charleston, South Carolina, November 23, 1749, and died January 23, 1800.

The son of Chief Justice John Rutledge, he was reared in a circle of culture, and after a finished education in the private schools of Charleston was prepared for the law at the Temple, London, England.

He was a member of the Continental Congress from 1776 to 1779, and took a conspicuous part in all of its proceedings; was one of the framers of the Articles of Confederation, a member of the first board of war, and the youngest signer of the Declaration.

At the fall of Charleston, he was made a prisoner and confined at St. Augustine. He declined an appointment to the United States supreme court, and was governor of South Carolina at the time of his death.

THOMAS HEYWARD, JR., was born in St. Luke's parish, South Carolina, in 1746, and died March 6, 1809.

After a liberal education at Charleston, he studied law at the famous English law schools, and made a study of the governments of Europe in a tour throughout the continent. He was a member of the general assembly of South Carolina, of the committee of safety of South Carolina, and of the Continental Congress from 1775 to 1778. At the fall of Charleston he was made a prisoner

and sent with many of the other leading men of the state to the British prison at St. Augustine. After the Revolution he was judge of the South Carolina criminal court.

THOMAS LYNCH, JR., was born in Prince George Parish, South Carolina, August 5, 1749, and died in the latter part of 1779.

He was of an eminent and wealthy South Carolina family, and after educational training at Charleston, graduated at Cambridge University, England. He was chosen to fill the vacancy in the Continental Congress occasioned by the death of his father. Resigning in 1779, on account of ill health, he sailed for Europe in the latter part of that year. The vessel and all on board were lost, nothing ever having been heard of it from the day it sailed from Charleston.

ARTHUR MIDDLETON was born on Middleton Place, near the Ashley River, South Carolina, June 26, 1742, and died January 1, 1788.

He was a graduate of Cambridge University, England, and followed the life of a planter. He aided in framing the constitution of South Carolina; was a member of its committee of safety, and made a prisoner at the fall of Charleston. He was a skillful stenographer, and took valuable notes of the debates in the Continental Congress, of which he was a member from 1776 to 1779, and again from 1781 to 1783; was chosen and declined to be the governor of his state.

From Georgia

BUTTON GWINNETT was born in England in 1732, and died May 27, 1777.

He was a merchant at Bristol, England, and first came to Charleston, South Carolina, thence to Georgia. He was a member of the Georgia committee of safety, presi-

dent of the provincial congress, and governor of Georgia. He was killed in a duel by General McIntosh. In the Continental Congress he was one of the framers of the Articles of Confederation and reputed to be a man of very superior ability.

LYMAN HALL was born in Connecticut in 1725, and died October 19, 1790.

He was a graduate of Yale College, and a physician. He was very influential in inducing Georgia to unite with the other colonies in the Revolution, and was sent as one of her first delegates to the Continental Congress, of which he continued a member from 1774 to 1780, and was subsequently governor of Georgia.

GEORGE WALTON was born in Frederick County, Virginia, in 1740, and died February 2, 1804.

In early youth he was apprenticed to a carpenter who would not allow him even a candle to read by, and he pursued his studies by the light of pine-knot fires. He became eminent in the practice of the law; was one of the four patriots who called the first meeting in Savannah to make common cause with the colonies, in 1774, and was a leading member of the committee selected to prepare the address of Georgia to the king. He was a member of the provincial congress of Georgia, of the Continental Congress from 1776 to 1779; a brigadier-general in the Revolutionary army, and a judge of the supreme court of Georgia from 1782 until his death. He was twice governor, once United States senator, and frequently a member of the state legislature.

CHAPTER XI

THE CONFEDERATION



THE motion of Richard Henry Lee, on June 7, 1776, was not only for a committee to prepare a declaration of independence, but for a second committee whose work should be: "A plan of confederation, to be prepared and transmitted to the respective colonies for their consideration and approbation." On the same day that the committee was appointed to draft the Declaration of Independence, a committee, composed of one member from each state, was appointed to draft a form of compact, or confederation, for the states. This committee consisted of the following:

John Dickinson, Pennsylvania, Chairman.

Josiah Bartlett, New Hampshire.

Roger Sherman, Connecticut.

Robert R. Livingston, New York.

Thomas McKean, Delaware.

Thomas Nelson, Virginia.

Edward Rutledge, South Carolina.

Samuel Adams, Massachusetts.

Stephen Hopkins, Rhode Island.

Francis Hopkinson, New Jersey.

Thomas Stone, Maryland.

Joseph Hewes, North Carolina.

Button Gwinnett, Georgia.

This committee presented its report on July 12, 1776. It was debated until August 20th, was taken up for reconsideration April 8, 1777, and, after numerous amendments, on November 15, 1777, the "Articles of Confederation and Perpetual Union between the States" were

adopted, and the confederacy named "The United States of America." That name, however, by resolution of the congress had since September 9, 1776, been used in all official documents instead of "United Colonies."

These articles were not ratified by all the states until January 30, 1781, and were not announced by the congress until March 1, 1781. It was thus nearly five years after their proposal that they became effective. They inaugurated a forceless government, the like of which was unknown in all history. They gave a mere transient league to the states—a headless confederacy. The confederacy had no executive. The president of the congress had neither veto nor power of appointment, could serve only one year in each three years and was simply the presiding officer of a great debating society.

The articles provided for no judiciary and no judicial power save in the partitioning of maritime prizes. Executive, legislative, and judicial powers were all jumbled in confusion and given to this one house, or body. There were neither beginnings, limits, nor boundaries to any of the supposed powers, separating them from each other. The congress could call for an army and navy, but had no means to sustain either, no power to compel the organization of a single company, or ability to dictate the building of a single boat. No common fund existed to pay one of its members. They were supported solely by their respective states, which were each empowered to send from two to seven delegates, as they saw fit, and to recall them at any time. No matter how many or how few were sent, each state had but one vote, and a tie in the state delegation lost that vote. The limiting of the time a member could serve to three years out of every six carried away the competent members at the very time that their experience made them most useful.

The articles imposed national duties upon the congress they created, but left that congress destitute of every element of power to enforce their performance. No amendment to these articles could be made except by unanimous consent of all the states. The congress could regulate the alloy to be used in the coinage of money and could authorize the coinage of money, but each state could coin money also. The articles left each state to establish such tariff on the importation of foreign goods as it saw fit. They did not mention or provide for the people from beginning to end. They dealt, exclusively, with the states. The people whom the articles disregarded and over whom they had no power universally despised them. If any state failed to furnish the men or the money to do its share of the government's work, that ended it; there was no power to compel the state to do its part. The congress could borrow money of any power or person who was credulous enough to loan to a government without a treasury, without a foot of property, without the taxing power to compel the raising of resources to make good its promises of payment. The congress could neither impeach nor discipline its president, nor any member of the congress; it could not punish the treason of any officer of its army. Unless nine out of the thirteen states agreed, the congress could not enact a law; engage in war; coin money or regulate the value thereof; determine the sums necessary to be raised for the common defense and general welfare of the country; decide what troops were to be raised, or navy provided; or appoint a commander-in-chief for its army.

The congress could decide disputes between the states, but its decision was barren as it had no power to enforce it. The case was just as if a court could give a judgment in a suit, but could issue no writ of execution to

enforce it. All the congress could pledge for any obligation was the public faith, but it neither asked nor received authority from the public to which it gave no recognition, and whose faith it pledged. Consequently, that public responded in kind, to the ruin of the government's creditors and the shame of the country.

The articles solemnly enumerated all the duties, outside of executive and judicial, that a government should perform and the powers it should exercise, but they gave the government no compulsory authority to enable it to vitalize these principles into action.

These Articles of Confederation made the most stupendous dummy that ever masqueraded as a national power in the history of government; the merest subterfuge for a national government, that held the states together solely by the cohesive power of a common peril, and a patriotism that stands without a parallel.

When independence was accomplished, the evils of the confederation plan were aggravated and its utter inadequacy more and more apparent. With the government burdened with debt, with its soldiers clamoring for their pay, with its creditors pressing their just claims with increasing urgency and anxiety, with the diverse laws of the different states as to imports and commerce paralyzing business, naturally discontent rapidly developed, until there was imminent danger of thirteen hostile nations being created out of the hostility to one.

No period of American history, colonial or revolutionary, presents so dismal a retrospect as the eight years of the confederation's existence. The attendance of members of congress grew less and less, and oftentimes barely a quorum could be convened to attest to its feeble existence—seldom more than twenty-five members were present. Seven states, represented by twenty delegates,

saw Washington close his career of military glory by resigning, and but twenty-three members, from eleven states, could be mustered to vote for the ratification of the treaty that ended the seven years of war and made independence an accomplished fact.

Among the last entries in the journal of Charles Thomson, permanent secretary, was: "Tuesday, October 21, 1788. From the day above mentioned, to the 1st of November, there attended, occasionally, from New Hampshire, *et cetera*, many persons from different states. From November 3d to January 1st, 1789, only six persons attended altogether. On that day, Reed, of Pennsylvania, and Bramwell, of South Carolina, were present; and after that only one delegate was present (each time a different one), on nine different days." The last record was: "March 2d, 1789, Mr. Philip Pell, from New York."

The congress wandered from place to place, from Philadelphia, Trenton, Lancaster, back to Philadelphia, where a mob of exasperated, unpaid soldiers insulted its authority, and compelled it to flee. It was becoming the sport and jest of all. To recommend and run was the chief characteristic that the wits of the period applied to this shadow of a representation of an independent people. Neither sigh nor ceremony marked its funereal end. Not a mourner voiced his grief that it was gone forever. Yet its spirit of state supremacy stalked the country for three-quarters of a century, required the mailed hand of the intrepid Jackson to throttle it, and was only exorcised at last by the blood of hundreds of thousands in internecine strife under the leadership of that gentle, tender-hearted martyr whose ringing appeal has at last been realized: "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of

memory, stretching from every battle-field and patriot's grave, to every living heart and hearth-stone all over this broad land will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."

Yet, the congress well served a high purpose and taught mankind a lesson never to be forgotten. There is no lesson like an object-lesson—no teacher like experience. The horrors of that congress's rule, denounced by every patriot of its time, should be known to-day by every American citizen. Its appalling miseries and dangers, the degradations incident to a mere league or confederacy, should be familiar to all, so that every American will realize the value of a sovereign union and will cherish it as the sole preserver of the liberties of the people and of the prosperity and security that is to-day guaranteed throughout our land.

Nor should the people of this day, guided by the light of the experience of our own country and of other countries that have followed in our wake, forget the darkness in which our fathers groped as to the governmental problems they sought to solve. Our fathers had none of the countless guides to constitutional government of and by the people that now exist. The Articles of Confederation were the first step of an infant republic. Complete unification was out of the question. The sovereignty of the states, complete and unquestioned, was a condition that had to exist until experience taught the needed lesson. It was the best, the only, compact possible—a natural, salutary, and necessary part of national evolution.

In the march of humanity, progress is slow; missteps and backward steps, in national as in individual life, are the part of our fallibility. The most lasting and truthful lessons come from the most crushing defeats, from the

cruelest mistakes. The primary school of the confederation started the public study of government. Its awful lessons were living realities that could not be forgotten, teaching the inestimable value of a strong, virile, energetic unity, yet one that leaves to each locality, or state, its untrammelled individual or local development. The high school came in the formation of the constitution and life thereunder. Now, under the interpreting professorship of our exalted supreme court, we are in the college of our constitutional education. The day of graduation awaits the distant ages when the wear and tear, the stress and strain, of the great issues and experiences to come under greater development shall give more enlightened, more comprehensive, broader views of the express and implied powers of that matchless instrument for which the Articles of Confederation paved the way—our constitution—whose eternal mission is: “To form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity;” and whose yet higher mission is the leading all mankind to the same God-ordained destiny.

CHAPTER XII

THE REVOLUTION



IVEN a glance at the battles of the Revolution is beyond the province of this book. It attempts to deal with the fundamental law, not the founding war of the nation. The history of those seven years is and always will be hallowed in the American heart. This nation of unequaled wealth, of unsurpassed intelligence, of unparalleled progress, points to no prouder picture than the "ragged regimentals" of the Revolutionary army. In the blood-stained snow, where shoeless feet trod the weary march, it sees the colors that make "Old Glory" thrill every heart. Every state is crowded with counties, every city with streets that perpetuate the names of its immortal heroes, who staked their lives for freedom. In reverent homage our people bare their heads before the countless monuments telling in mute, yet eloquent eulogy the valor of the valiant dead, while "on Fame's eternal camping-ground their silent tents are spread." General Marion, regaling the sleek, well-fed British general on the full contents of a commissary that included only baked potatoes; the Quaker soldier, Greene, second only to Washington as a commander, coming in the drizzling darkness to the home of Elizabeth Steele, with the greeting to her: "Yes, I am General Nathaniel Greene, cold, wet, hungry, and penniless," and this heroine handing him with glad devotion the pittance of her hoarded silver; the countless privations of the poverty-burdened ranks that faced a

well-fed, well-clad, well-accounted foe on every field; Lexington and Bunker Hill, Trenton, Brandywine, Yorktown, and the ice-filled Delaware, across which benumbed fingers pulled the laboring oars to brave the unequal fight; Washington kneeling under the snow-laden trees at the midnight hour, pouring out his prayer to the God of battles—all are pictures that fill up the galleries of America's glory.

Said that son of France, Lafayette, whose abiding home is in the heart of every American since his day: "No European army would suffer the tenth part of what the Americans suffer. It takes citizens to support hunger, nakedness, toil, and the total want of pay, which constitutes the condition of our soldiers, the hardiest, the most patient to be found in the world."

Washington, in a letter to the secretary of war, speaking of the desperate straits of his men, said they had "suffered everything which human nature is capable of enduring this side of death," adding: "I wish not to heighten the shades of the picture, so far as the real life would justify me in doing, or I would give anecdotes of patriotism and distress which have scarcely ever been paralleled, never surpassed, in the history of mankind." History, as it does of all Washington said, sets the seal of truth on this tribute.

Despite every adverse condition, the skill of officers of dauntless courage, the valor of the "men behind the guns" and the self-sacrifice and devotion of all turned defeat into victory. At last came Great Britain's acknowledgement that her trampled-upon colonies were free and independent, and a new nation had been born into the family of governments. The prolonged agonies of our armies, their unrequited sufferings, the death, devastation, and untold hardships that marked the land

from end to end, the commercial and business afflictions that weighed it down—all could have been greatly lessened and shortened had such a compact constitutional union as now exists bound the colonies together. That lesson the blood of the Revolution writes for the patriotic intelligence of all times.

CHAPTER XIII

GEORGE WASHINGTON



HOW often it is that the chief qualities that achieve greatness are lost sight of in the contemplation of other honorable attributes that adorn the objects of the world's adulation. Washington's truthfulness and goodness, his sincere and unaffected piety, his spotless purity, his absolute unselfishness, have encrowned his historic character with a halo, that, in its glorified radiance, diverts the view from his extraordinary, practical intellectuality. He is idealized as the exemplar of the best moral virtues that grace and strengthen mankind. Nor is this amiss. The influence of these moral lessons of his life has reached the inner beings of countless American youths, and lifted them into nobler paths.

Wherever that greatest of leaders pointed or led the way, no American of his day feared, nor should any American of any future day fear, to follow him. His insight into what was best for his country, not only for that day, but for all time, subsequent history shows was equal to inspiration, and justifies the belief that One greater than he made him the instrument of the Ruler of All for the betterment of the human race.

But in the grateful memory of his noble attributes of heart and of his lofty moral character, his countrymen have lost sight of his statesmanship. Those qualities that enabled him to safely pilot our Ship of State over an unknown and chartless sea, and anchor it in the harbor

of enduring nationality, should be better known and should be part of the educational equipment of every citizen.

Serving without salary as commander-in-chief, he stood between the army he loved with a passionate devotion, and his equally beloved country, when that neglected, unpaid, outraged army was about to turn its guns upon an ungrateful public, and hurl the country from revolution into anarchy.

He never sought position, or campaigned for place. He became a member of the Constitutional Convention after every effort to escape the honor had been made by him in vain, and in response to the universal call, not only of the people of his native state, but of the whole country. His presidency of that convention, his signature to its letters to the congress, the fact that he was certain to be unanimously called to the first presidency of the new nation—all had as much to do with the adoption of the constitution as the arguments of its advocates combined. He accepted the first presidency of the United States at the same unanimous call, from a sense of duty and not to serve selfish ambition. He might have easily retained that exalted place for life by unanimous reëlection. But being given, without seeking, every position he ever filled, he voluntarily and to the regret of his countrymen left these places of highest honor. Leaving no direct descendant to divide his love, his affection was centered upon the people of his country, to whom he devoted a life full of danger and arduous, self-sacrificing labor. Well may he be called the "Father of his Country."

Washington bitterly realized how his plans had been baffled, and his difficulty added to by the inadequate support of an impotent central government. He knew where its inefficiency had caused the prolongation of the revolu-

tionary struggle and the increased effusion of precious blood. He had seen the suicidal injury of sectional jealousies, and realized full well the baseless fears born of sectional prejudices. He had been intimately acquainted with the men of every section, and knew that one common kinship of patriotic devotion animated all alike. He knew that liberty had an abiding place in every state; that the tyranny which had throttled the happiness and progress of the colonies would never find lodgment in the heads or hearts of any man or assemblage of men who should direct the destinies of this Union. He knew the inspiration of prominence and place to lofty patriotism. He knew the American spirit of fair play would in the end appeal to a united people, and make secure the rights of every citizen in every corner of this country. He knew the value of public honor in the eyes of the world, and how the example of national and state integrity would impress itself upon the individual. He knew that an honest government would make honest people; that where the nation kept its word, the people would keep theirs.

Washington knew and predicted this nation's proud place among the nations of the earth once nationality was achieved. With prophetic eye, he foresaw the estrangements that local interests would engender and the antagonisms that ambition would foment among the separate states. He foresaw that the aims and interests of monarchies and despotisms would lead to intrigue and entanglement, attempted by them to accomplish the wrecking of what force had been unable to destroy. He knew that man's self-government hung upon the success or failure of the undertaking here. Washington saw that the independence won by united effort must be preserved by the continuance of that unity. He saw that the power to preserve that which was won must be not only cen-

tral, but sovereign and supreme. He saw that it must act with the speed and energy of a unit, and that its decrees must not await confirmation, but must be clothed with absolute authority. Yet he also realized that the diversified local interests and predilections, the domestic affairs of the different states ought to suffer no intrusion by the national authority.

As the nation was without an executive head, Washington's position as commander-in-chief of the American armies was the most exalted, the most authoritative in the country. He knew full well the glamour as well as the real force of such a station, when crowned with the prestige of complete success. When he was about to relinquish that position, to bid what promised to be a final farewell to the highest place known to his people and to return to the rank of plain citizen, he utilized the strategic opportunity for great good by addressing to the governors of the states a farewell address, the now forgotten argument and advocate for, if not promise and prophecy of, our national unity and national constitution.

The long disregard of Washington's advice by his countrymen stung him to the quick, and when he was importuned to become a delegate to the constitutional convention, it provoked him into the only personal complaint he ever uttered against his countrymen, yet in that advice he sowed the seed that, after years of neglect, sprouted, and grew, and bore the fruit of a constitutional republic, a perpetual union. That address stamps him, not only as the most sagacious, resourceful soldier, but also as the ablest, most far-sighted statesman of his day.

In his address to congress, resigning his commission, Washington concluded: "Having now finished the work assigned me, I retire from the great theater of action, and bidding an affectionate farewell to this august body,

under whose orders I have so long acted, I hereby offer my commission, and take my leave of all the employments of public life."

To this, Thomas Mifflin, president of the congress, who had been accused of being among those who had tried to effect the removal of Washington from the supreme command, replied in this historic and prophetic address:

"The United States, in Congress assembled, receive with emotions too affecting for utterance the solemn resignation of the authority under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge before it had formed alliances, and while it was without friends or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have by the love and confidence of your fellow citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered till these United States, aided by a magnanimous king and nation, under a just Providence, to close the war in freedom, safety, and independence, on which happy event we sincerely join you in congratulation. Having defended the standard of liberty in the new world; having taught a lesson useful to those who inflict and to those who feel oppression, you retire from the great theater of action with the blessings of your fellow citizens; but the glory of your virtues will not terminate with your military command—it will continue to animate remotest ages."

Having resigned his commission, Washington returned to his farm, there intending to pass the remainder of his life as a plain American citizen. Followed by the grati-


tude, the confidence, the honor of his people, it was impossible for him to escape their constant attention. As time passed, the consequences of his unheeded suggestions began to develop, and the anxieties of the leading patriots of the day made them turn to him for help. The country was adrift, its congress commanded neither confidence nor respect. It was slimly attended, often without a quorum and unable to put one recommendation in force. The country, in fact, was rapidly approaching the day when the end would be universal confusion, if not internecine strife. Commerce and agriculture, by the vexatious laws of the several states, were being forced into a worse condition than before the revolution. The reaction was at hand, and thousands, regretful of success, were ready to return to the rule of a monarchy powerful enough to give some sort of stability, some sort of security.

Patrick Henry said of the first Continental Congress, composed of the flower of the country's character, conscience, and ability: "If you speak of solid information and sound judgment, Washington is unquestionably the greatest man of them all."

In this critical hour, that information and judgment, ripened and enlarged by the intervening events of which he was the central figure, again forced Washington to the front, and made him the leader in the greatest battle of his life—the battle for the constitution of the United States.

CHAPTER XIV

THE BATTLE FOR THE CONSTITUTION

HE difficulties which beset the way of the adoption of the constitution that made the United States a nation now honored by all can be properly appreciated only by a more extended view of the condition of the colonies, from their origin to that momentous accomplishment, than this book can be permitted to give. The most insurmountable difficulty arose, as has already been seen, from the born and bred prejudices and the hereditary character of the different settlements. The well-grounded apprehensions of interference with their local customs, habits, opinions, and laws; their intense loyalty and devotion to the only local sovereignty they had ever known; their life-long resistance to the tyranny of a supreme power that had outraged and denied their cherished rights; the accomplishment of the supreme desire to rule themselves as they saw fit; all these forced on the colonists the feeling that to establish a central authority superior to themselves was to enthrone the very demon they had destroyed, was to surrender the chief fruits of the victory achieved.

The Southerner looked with a mixture of amusement and contempt upon the New Englander who was not allowed to kiss his wife from dusk of Saturday to dusk of Sunday, while the wife, at the same time, was not allowed to make the bread that merited that kiss. The New Englander threw up his hands and gave nasal voice to his horror over the speeding steed, the shuffling card,

the sparkling julep that so delighted his Southern neighbor. There were many of these mole-hills of customs that in the aggregate made mountains, and there were mountains of local interests and diverse occupations, whose growth kept pace with the country's progress, and to this day tower above us. Naturally, these differences and provincial predilections promoted, with the masses, a preference for a mere league between the states.

Recall, now, the fact that every one of the efforts for union, up to the adoption of the constitution, was solely for the purpose of common defense. Not one of them proposed any plan wherein the league or unity even hinted at any authority over the people of the respective colonies or states. All were upon the theory of the sovereignty of each distinct community. Much of the opposition to the Articles of Confederation was that they looked to a national existence. State independence had been ground into the colonists' whole political being. The survival of that idea is not surprising.

With the peril that had caused their united action gone, the states returned to their own separate affairs, and the confederacy grew in debility, weak as it was to begin with. The states began to quarrel about boundaries. They began to make separate arrangements with foreign nations as to commerce, bidding against each other for trade in reduced tariffs. They commenced to enact import duties against each other, so that if a farmer took his produce or a merchant took his wares from one state to another, he had to pay a duty before he could dispose of them. They started to adopt all the policies of governments foreign to each other—a condition that was sure to end in aggravated estrangements.

George Ticknor Curtis, in his *History of the Constitution*, says: "This brief interval was full of suffering and

peril. There are scarcely any evils or dangers of a political nature, and springing from political or social causes, to which a free people can be exposed, which the people of the United States did not experience during that period."

John Fiske, in his great historical work, terms it "The Critical Period of American History," saying: "It is not too much to say that the period of five years following the peace of 1783 was the most critical moment in all the history of the American people."

The government of the confederation was spoken of in Massachusetts as a foreign government, and John Adams said that the members of its congress more resembled ambassadors from their respective states to a foreign power than members of a common government.

Says John Marshall, in his *Life of Washington*: "An opinion began to prevail that the government must be invigorated by agreement or by force, and that a part of the opposition to the convention originated in a desire to establish a system of greater energy than could spring from consent."

The secretary of war for the confederation wrote to Washington: "The mass of the people feel the inconvenience of the present government, and ardently wish for such alterations as would remedy them. These must be effected by reason and by agreement, or by force."

The weary five years' travel of the Articles of Confederation to their final adoption show the extent of dissatisfaction they early encountered. In September, 1780, Alexander Hamilton, from his tent, wrote to James Duane, a member of the Continental Congress from New York, on the subject of state supremacy and a national government, as provided for in the Articles of Confederation, and urged the calling of a general convention in the

following November, with full power to conclude upon a general confederation. In this communication he set forth an outline of such a constitution as he deemed essential for an efficient government, stating that the plan of the articles then before the congress was neither fit for war nor peace, and that but for Washington, some of the lines of the army would obey the states instead of congress.

In 1782, Hamilton's father-in-law, General Philip Schuyler, was a member of the New York legislature, and through him Hamilton submitted such a national system for their recommendation to the Continental Congress and the states. That legislature unanimously made the recommendation, calling a convention to revise and amend the articles, by giving to congress an increase of authority. The Massachusetts general court, or legislature, did the same, but the Massachusetts members of congress induced their state legislature to reconsider and repeal the action.

Again, in 1783, while a member of congress, Hamilton urgently sought to have such a convention called.

In the same year, Pelatiah Webster, a man of much local note, and Thomas Paine contributed addresses to the public to the same effect. In 1784, Noah Webster, whose fame now rests on his Dictionary, but who was an able and influential writer on political and economic questions, wrote a pamphlet, which he carried in person to Washington, proposing "a new system of government which should act, not on the states, but directly on individuals, and vest in congress full power to carry its laws into effect." The plan deeply impressed Washington.

The scarcity of newspapers made pamphlet writing the favorite and most influential method of discussing public questions in that early day. The people had no guide in past history for the government they all wanted. The

nearest governments to their ideals were the Grecian and Roman republics. The assumed names over which they wrote show to what an extent those far-off republics were studied for the desired plan of this new republic.

Sir Henry Maine says: "From the fall of the Roman republic, there was on the whole, for seventeen centuries, an almost universal movement towards kingship. From the reign of Augustus Caesar to the establishment of the United States, it was democracy which was always, as a rule, on the decline."

It is harder to conquer prejudice than it is to convince the reason. The habits, the prejudices, and the tendencies of the times, as well as of localities, had all to be combated. The pride caused by the assumption of individual success in what had been accomplished by united effort flushed each state with the victory achieved over England, and each felt abundantly able to take care of itself, since no threat of a foreign foe confronted it. Selfish motives swayed many of the ambitious. The spirit, "I had rather be the first man in a village than the second in all Rome," prompted too many. No great teacher with governmental experience told the advantages of such a government as we have. The states had known and could see the narrow profit accruing to individual dicker with the foreign countries with which centered the bulk of their commerce. They had yet to learn that independence and interdependence were blended essentials. But selfishness was fast overleaping itself, and the cutthroat policy pursued as to each other was recoiling upon all, and blocking business at home as well as abroad. Commerce and agriculture at last clasped hands with sagacious politics in seeking to promote and establish the common security. Neither could longer endure the burdens that confined it to the bounds of its immediate locality.

That the home market was the best market was beginning to dawn upon them.

Washington, Franklin, Hamilton, Madison, and a few others of far-reaching foresight had the ultimate end in view, but the path to it had to be pursued with all the cunning known in tracking the wily warriors of the forest. To proclaim the purpose of national unity was to court defeat. The leaders as well as the masses had to be educated up to it. Conferences must be held to convince the able and influential. Self-interest as well as patriotism must be appealed to. Patience and prudence to the utmost must be practiced to convince the public that profit was in the answer to the appeal of necessity; that gain and glory would be the twin offspring of national unity.

There is but little question, if any, that the large majority of both the leaders and the masses were, at first, opposed to the creation of a national government. When the delegates to the convention that framed our constitution were elected, national unity was not the avowed purpose of that convention. If such purpose had been announced and understood in advance, no such convention would have convened for years, if ever. For the states were fast drifting towards the abyss of domestic strife through disputes over lands claimed within and beyond their respective borders, over their boundaries, over the share of the public debt that each should discharge, and over many other sources of irritation that would have left them so embittered as to make their union impossible.

Contentions of every description were cropping out of the conditions that promised peace and prosperity. New Jersey refused to pay her quota of the debt of the Revolution. New York refused to pass one amendment, and

Rhode Island another, agreed to in each case by the other twelve states, enabling the congress to raise a revenue to pay the interest on the public debt, and since unanimous action was necessary to amend, the last means to meet the obligations all had pledged their honor to discharge was lost.

The states began to repudiate their debts and to enable their citizens to do practically the same thing, by passing laws whereby, in the language of Justice Joseph Story: "Property of any sort, however worthless, either real or personal, might be tendered by the debtor in payment of his debt; and the creditor was compelled to take the property of the debtor, which he might seize on execution at an appraisement wholly disproportionate to its real value; such laws entailed the most enormous evils on the country, and introduced a system of chicanery, fraud, and profligacy which destroyed all private confidence, industry, and enterprise."

This public dishonor of sacred obligations, as is always the case, was spreading to individuals who were beginning to disregard the law. The Shays' Rebellion, openly defying the courts and the government, broke out in Massachusetts. Washington and his ablest compeers were overwhelmed with despair at the outcome of their unselfish sacrifices, and were beginning to feel that universal anarchy was rapidly approaching. Take his words:

"It is getting to be a matter of regret that so much blood and treasure have been lavished for no purpose, that so many sufferings have been encountered without compensation, and that so many sacrifices have been made in vain." Or, "Providence may for some wise purpose of His own suffer our indiscretions and folly to place our national character low in the political scale." Or, "We have probably had too good an opinion of human nature

in forming our confederation. Experience has taught that men will not adopt and carry into execution measures best calculated for their own good, without the intervention of coercive power. I do not conceive we can exist long as a nation without lodging somewhere a power which will pervade the whole Union in as energetic a manner as the authority of the state governments extends over the several states." Or, "I am told that even respected characters speak of a monarchical government without horror. From thinking proceeds speaking, thence to acting is often but a single step." Or, "You talk of influence to appease the present tumults. Influence is not government. Let us have a government by which our lives, liberty, and property will be secured." Or, "The want of energy in the Federal government, the pulling of one state and parts of states against another, and the commotions among the eastern people, have sunk our national character below par, and have brought our politics and credit to the brink of a precipice. A step or two more must plunge us into inextricable ruin. Our affairs are drawing to an awful crisis." Or, "However delicate the revision of the Federal system may appear, it is a work of indispensable necessity. The present constitution is inadequate; the superstructure is tottering to its foundation, and without help will bury us in its ruins."

In one of his later letters, he says: "In our endeavors to establish a new general government, the contest, nationally considered, seems not to have been so much for glory as existence. It was for a long time doubtful whether we were to survive as an independent republic, or decline from our Federal dignity into insignificant and wretched fragments of empire."

During the winter of 1785-1786, the congress received

in five months less than one-fourth enough to support it for a single day, and the national army had dwindled to eighty men.

Seven of the states, Massachusetts, Connecticut, New York, Virginia, North and South Carolina, and Georgia, claimed that vast region, then known as "The Northwest Territory," and now comprising the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. Believing that they could dispose of this land so as to pay off the war debt was about the only bond that held them together.

It is interesting to follow the historic course of events. The repeated efforts, vainly made, to induce congress to start the action for a revision of the Articles of Confederation and the known attitude of its leaders, convinced those favoring a national government that the cause was hopeless through congress. But congress had no power over commerce. As to commerce, the states could act unhampered.

The first adroit move was to get Virginia and Maryland to appoint commissioners to meet at Alexandria to arrange some uniform plan to prevent smuggling and to regulate commerce over the Potomac that divided them. This was done in March, 1785. The commissioners met, and adjourned to meet at Mt. Vernon, to consult with the one man whose wisdom all of the states respected, if not revered—Washington.

Washington's first services as a soldier had been along the headwaters of the Ohio. He knew the value of the vast territory beyond the Alleghanies, and the danger of that territory drifting to a connection with Spain, which then owned the land far up and beyond the Mississippi. For several years he had labored to get a canal built connecting the Potomac with the Ohio. With a political end

in view, he had refused the magnificent tender of the fortune he needed in the shares of the canal company voted him as a testimonial for his "unsurpassed services." If that canal was completed, Pennsylvania had to be consulted, as it would pass through her territory. Then Pennsylvania and Delaware were interested, as well as Virginia and Maryland, in the commerce over Chesapeake Bay. As the conference progressed, the need of similar action by all the states on commercial matters grew more and more apparent. Other matters of identical and coördinate concern developed in importance. At last, the conference educated the commissioners up to the opportune moment, and Washington seized it to sound the key-note, which was caught up by the intelligent patriotism of the country. He said: "The proposition is self-evident; we are either a united people, or we are not so. If the former, let us in all matters of national concern, act as a nation, which has a national character to support. If the states, individually, attempt to regulate commerce, an abortion or many-headed monster will be the issue. If we consider ourselves, or wish to be considered by others, as a united people, why not adopt the measures which are characteristic of it, and support the power and dignity of one. If we are afraid to trust one another under qualified powers, there is an end of union."

Commerce was the key-note. They must sail into the harbor of a Union, under a government that was a government, on the ships of commerce.

This meeting was followed by an invitation, combining as much of diplomacy as of practical common sense and patriotism. Virginia sent that invitation to all of the states, asking them to send delegates to a "Trade Convention," to be held at Annapolis on the second Monday in September, 1786. To this convention none of the

New England states sent any representatives, nor did Maryland, South Carolina, and Georgia. New Hampshire, Massachusetts, Rhode Island, and North Carolina did appoint delegates, but so little was thought of the movement that they did not attend. But five states, New York, New Jersey, Pennsylvania, Delaware, and Virginia were represented.

This conference resulted in accentuating the need of revising the Articles of Confederation. After issuing a call, drawn by Alexander Hamilton, to send delegates for that purpose to a convention in the following May, the convention adjourned. But in its call it took a long step forward.

The Alexandria conference was simply to regulate commerce between Virginia and Maryland. The Annapolis conference was called to regulate commerce between all the states, but commerce alone was the topic to be touched. The purpose of the next convention was stated to be as follows:

“To take into consideration the state of the United States, to devise such further provisions as shall appear to them necessary, to render the constitution of the Federal government adequate to the exigencies of the Union and to report such an act for that purpose to the United States in congress assembled, as when agreed to by them, and afterwards confirmed by the legislatures of every state, shall effectually provide for the same.”

Hamilton, Madison, and many others of profound patriotic intent understood what that language meant, but the public in general did not. It proclaimed the purpose of a more efficient government, the necessity for which all admitted, but not the national government they really needed, yet could not understand, and therefore dreaded. It was broad enough to build on it the “new

roof," as the proposed constitution was aptly called, but the full purpose was not stated. Its authors were ahead of their day and they knew it. But they also knew that the educating development of opportunity would lead their countrymen to the same convictions that their profound, experienced, and intimate knowledge of public affairs had forced upon them, and that in due time they could safely and fully proclaim and openly advocate the broader measures contemplated. Subsequent events showed the accuracy of their judgment.

This proposition was made before the congress in October, 1786, and at the same time before the legislatures of all the states. Congress halted. The states took the matter up.

Virginia was the first state to act. Her legislature unanimously approved the proposition and appointed the governor, Edmund Randolph, George Washington, Patrick Henry, James Madison, George Wythe, George Mason, and James Blair as delegates.

Washington's reappearance in public life was hailed with universal joy by the advocates of a better government. It gave the movement an impetus and respectability that no other action could have effected.

Soon six more states fell into line, and selected delegates. Congress was still opposed to this movement that it had not inaugurated, but the movement had gained such headway that it could no longer be ignored. Rufus King and Nathan Dane, of Massachusetts, up to this time had delayed acting upon the call of the Annapolis convention, contending that congress must propose, and that the states ought to ignore such a self-constituted convention. Unable, however, to longer head it off, and endeavoring to get around the inevitable, Mr. King moved that congress should propose a convention identi-

cal with the one called. This resolution was not passed until February 28, 1787. It read:

"In the opinion of congress to be expedient that, on the second Monday in May, next, a convention of delegates who shall have been appointed by the several states to be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to congress and the several legislatures such alterations and provisions therein, as shall, when agreed to in congress, and confirmed by the states, render the Federal constitution adequate to the exigencies of government and the preservation of the Union."

These two calls because of their difference raised a question which was sprung as soon as the convention met. The broad proposal of the Annapolis convention justified such an entire revision of what they called the constitution as actually resulted. The narrow resolution of congress justified simply a revising of the Articles of Confederation.

The states, too, showed the same divergence in the resolutions appointing their delegates. Some of these resolutions read, "For the purpose of revising the Federal constitution"; others, "to decide upon the most effective means to remove the defects of the Federal Union"; others, "for the sole and express purpose of revising the Articles of Confederation"; others, "to render the Federal constitution entirely adequate to the actual situation."

Under such conflicting calls and appointments, no little confusion existed as to the powers and authority of the convention, especially at a time when the states were so rightfully assertive of their sovereignty, and were united by so loose a bond under the confederation.

Says Hildreth: "At the very threshold of debate, an important question arose, and at every step, it threatened

to recur. What was the limit of the powers of the convention? Would the amendment of the Articles of Confederation be carried so far as to establish an entirely new system?

"The answer, that, whatever they might submit had to be agreed upon by conventions specially called for that purpose by the legislatures of the respective states, and that the question of authority was of but little consequence, and ought not to deter the convention from proposing a plan fully adequate to the existing difficulties."

In law and logic, the common-sense doctrine has ever prevailed, that ratification of a previously unauthorized act of an agent gives that act the same validity as if previous sanction had been bestowed. This point, that the convention exceeded its authority in providing for a national government, was raised in the convention, and in every state by the opponents of the constitution. The convention's action was ratified by the adoption of the constitution, and that ratification removes all ground for criticism on the foregoing account.

Washington always dealt fairly with the American people in the adoption of any course of conduct. His letter as president of the convention, submitting the constitution, left no ambiguity. In it, he says, "It is obviously impracticable in the Federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all.

"In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our union, in which is involved our prosperity, felicity, safety, perhaps our national existence."

This letter unfurled the flag of a national government. It proclaimed the purpose of the army marshalling under

the lead of the "Father of his Country." Upon these plain propositions, the vote was cast and the ratification was made.

To this convention, the greatest, the most momentous ever held in America, if not in the world's history, all of the states sent delegates, except Rhode Island. Conference convinced its leaders of the absolute necessity of a permanent, authoritative, central government, clothed with ample powers to enforce its enactments, yet leaving to the states complete control as to their internal and local affairs. To establish such a complex, yet composite system; to overcome the prejudices born of such fateful experience; to provide for the liberties all had risked and suffered so much to secure; to gain forever the united power of all for mutual protection and mutual progress, yet not to reënthrone the central tyranny that had so oppressed them, was the desired and difficult task at hand. The result was not what even a majority of the delegates had wished, but was a compromise. Yet it has since grown in the regard and reverence of our whole people and has become the admiration of the world, and the model of the world's republics.

To posterity's lasting regret, it was resolved to keep the proceedings of the convention secret and only to make the result known. Messrs. Martin and Yates took brief notes which were afterwards published, and James Madison kept a diary which was not published until over half a century had passed, when by order of the United States congress, to whom it had been left, it was given to the world.

The journal of the convention was left with Washington, was by him deposited with the department of state and was published in 1818, by order of congress.

On May 14th, the day the convention was called to

meet, so few of the delegates had arrived that the convention was not called. Nor did it convene in formal session until May 29th. Even then there were only twenty-nine delegates, representing nine states. The convention met in the same historic building where the Declaration of Independence was signed—Carpenters' Hall, Philadelphia.

Washington was unanimously chosen president. He opened the proceedings with a brief address that sent this solemn warning to the heart of every member:

"It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hands of God."

Four different plans were then in due course submitted, with elaborate arguments in favor of each by their proponents. Virginia, being the most popular state, and having been the first to take legislative action in regard to the call for the convention—if indeed she was not the originator of it—had the honor of having her representative, Governor Randolph, present his plan and open the discussion. Charles Pinckney, of South Carolina, followed with his draft of a constitution, far more elaborate and systematic than any other plan submitted. In form, substance, manner, and arrangement, this so resembled the constitution finally adopted that it must be given the credit of being the framework about which our constitution was built. Mr. Paterson, of New Jersey, followed with what is known as the New Jersey or "state rights" plan of government. Mr. Hamilton explained his wishes in an able address, but hopeless of having his extreme views adopted, did not submit written propositions, as did the others. He considered the national plan of

Messrs. Randolph and Pinckney as but little better than that of Mr. Paterson, saying that "they were but pork still, with a little change of the sauce."

It is remarkable that, without a single exception, there was one common provision embodied in all of these several plans, that was that the laws and treaties of the general government should be the supreme law of the land, and that the judges in all the states should be bound thereby in their decisions, anything in the laws of the states to the contrary notwithstanding. The extreme "state rights" plan of Mr. Paterson, Section 7, provided: "If any state or any body of men in any state shall oppose or prevent the carrying into execution such acts or treaties, the Federal executive shall be authorized to call forth the powers of the Confederate States, or so much thereof as may be necessary, to enforce and compel an obedience to such acts and treaties."

These various plans were debated until the 26th of July, when the committee of the whole house reported a series of resolutions, the first of which read as follows:

"Resolved, that it is the opinion of this committee that a national government ought to be established, consisting of a supreme legislative, judiciary, and executive."

These resolutions were referred to a committee of five, termed the Committee of Detail, consisting of Messrs. Rutledge, Randolph, Gorham, Ellsworth, and Wilson.

The first of the series of resolutions reported by this committee reads:

"Resolved, that the government of the United States ought to consist of a supreme, legislative, judiciary, and executive."

Thereupon, the convention instructed this committee to report a draft of a constitution in accordance with these resolutions, which it did on August 6th. The draft

consisted of a preamble, worded like that of Mr. Pinckney, and twenty-three articles. This draft was debated until September 8th, when it was referred to a committee of five, termed the Committee of Style and Arrangement, consisting of Messrs. Johnson, Madison, Gouverneur Morris, Hamilton, and King. This committee made numerous changes, not only in the style and arrangement of the articles of the submitted constitution, but in its most material provisions, and reported it back, so changed, on September 12th. These changes it will be well to recur to in the subsequent discussion of the preamble of the constitution.

Among the most noticeable and vital were these:

The preamble read: "We, the people of the states of"—naming all of the states. This was changed to read: "We, the people of the United States."

The senate was given exclusive authority to make treaties, and to appoint ambassadors, etc., to foreign countries, and judges of the United States courts. This was changed, empowering the president to make treaties by and with the advice and consent of the senate, and to nominate such officials and appoint them by and with the advice and consent of the senate.

Senators were prohibited from holding office for one year after the expiration of their term of election. This prohibition was stricken out.

In case of a controversy between the states, or over lands claimed by grants from different states, application had to be made to the senate to create a tribunal to settle the controversy, the contestants agreeing upon the persons who should constitute the tribunal. If the contestants could not agree, the senate was to select them from a number submitted to choose from. This was changed, and such matters relegated to the United States

court; the Supreme Court being given original jurisdiction when the controversy was between states.

The Supreme Court was to try all impeachments. These were transferred to the senate for trial.

The senate was not allowed to either originate or amend bills to raise a revenue. This was changed, allowing the senate to amend such bills. The president was to be elected by congress for a term of seven years, to be ineligible for reëlection, and his title to be "His Excellency." This was changed to his election by electors specially chosen therefor; the term to four years; reeligibility allowed; and his title omitted.

All bills were to be passed upon by the president within seven days. This was enlarged to ten days. Three years' residence made one eligible to the house of representatives; four years to the senate. This was changed to seven years for the house; nine years for the senate.

Congress was allowed to establish a property qualification for eligibility to the house and senate, and the states were to pay the salaries of their senators and representatives. The property qualification was stricken out, and the salaries made payable by the national government.

No navigation act, or regulation of commerce, could be enacted but by the vote of two-thirds of those present in both houses. This was changed, giving congress unlimited control over such legislation, except that no duty could be imposed upon exports.

To amend the constitution, two-thirds of the legislatures of the states had to petition congress, then congress had to call a general convention to pass upon the amendment before it was submitted to the states. This was changed so that congress, by a two-thirds vote, or the legislatures of two-thirds of the states, could propose an amendment, and the legislatures, or conventions

specially called therefor in all of the states, had to ratify it by a vote of three-fourths of all the states.

Conviction for treason could be secured on the testimony of two witnesses. This was changed to conviction being secured on the testimony of not less than two witnesses, and never upon confession, except in open court.

These many important and material changes in the draft of the constitution submitted to the Committee on Style and Arrangement are overwhelming proofs that every one of the changes were diligently considered by the entire committee, and were not the work of any one man. There is this additional evidence that the entire convention carefully considered all of these several changes: From the 12th to the 17th of September, this final draft was debated by the convention, important amendments being offered by Franklin, Madison, Randolph, and others, all failing of passage, with the exception of that recommended by Washington, increasing the ratio of representation in the house of representatives from one in every forty thousand, to one in every thirty thousand of the population.

The constitution was engrossed and signed by all of the members remaining, except Messrs. Gerry, Mason, and Randolph, and then transmitted to the congress, with the resolution and letter of the convention, as set forth in the Appendix; whereupon the convention adjourned.

The difficulties it had to overcome and the rapidity of its educating influence upon its members may be somewhat appreciated by the following advanced expressions from the leading men of the country, in and out of the convention.

John Jay: "The people who owned the property of the country should govern it."

Elbridge Gerry: "The evils that we experience flow

from an excess of democracy. The people do not want virtue, but are the dupes of pretended patriots."

Edmund Randolph: "In tracing these evils to their origin, every man finds them in the turbulence and follies of democracy."

John Dickinson: "I consider a limited monarchy the best government in the world."

Alexander Hamilton: "The British government is the best government in the world."

Pierce Butler, as to the election of president and senators: "An election by the people is an impracticable mode."

Gouverneur Morris: "A life senate so as to protect the rich against the poor. There never was and never will be a society without an aristocracy."

Oliver Ellsworth: "A new set of ideas seems to have crept in since the Articles of Confederation were established. Conventions of the people, or with power derived from the people were not then thought of."

James Madison: "The majority will oppress the wealthy minority."

The conferences and discussions by the members of that convention changed this current of opinion, and made the majority of these very men the earnest advocates for the adoption of a constitution that provided for and recognized the people as no instrument of any government had ever done before; one that put in sacred and durable shape the hopes, the aspirations, and the efforts of the down-trodden and struggling masses since the dawn of government.

James Wilson aptly expressed the consensus of this educated, developed opinion: "Without the confidence of the people, no government, least of all a republican government, can long subsist. The election of the first

branch by the people is not the cornerstone only, but the foundation of the fabric."

Alexander Hamilton followed with: "It is essential to the democratic rights of the community that the first branch be directly elected by the people."

The two theories, national and state supremacy, were at war from the start. Disruption was often dangerously near. Debates were heated. Interests clashed. Egotism asserted its baneful influence. Prejudices drew asunder. Lack of confidence in the people's judgment and the absence of any guide in such weighty work left the convention in almost hopeless confusion. Some of the delegates were so dissatisfied before the convention was half over that they left. Others were never reached by the kindlier spirit of conciliation that marked the closing hours, and fought the constitution to the end in their respective states. The outburst of Mr. Bedford, that if the smaller states were not accorded the equality in congress demanded, "A foreign power stood ready to take them by the hand," exhibited the drifting toward monarchy, apprehended by many before the convention met, and created an alarm that startled every member of the convention.

At one time Washington was so near the only surrender of his life that he wrote to a friend: "I almost despair of seeing a favorable issue to the proceedings of the convention, and I do, therefore, regret that I had any agency in the business."

Four figures in that convention tower above all others: Washington, Franklin, Hamilton, and Madison.

Washington made but one address upon its measures during it all. His position forbade the indelicacy of further participation. His single speech was at the end, to secure conciliation and better care for the people.

But his sound judgment, that Patrick Henry years before so extolled, was constantly exercised, and had its influential effect. This, with Franklin's last appeal, carried the day. Franklin was too feeble to deliver his appeal, but he wrote it out and his able colleague, James Wilson, read it. Franklin's keen and humorous satire as to the opinionated, in this address, unhorsed some of the opposition; his paternal advice persuaded others; his practical common sense convinced the wavering that the plan offered was the best obtainable. This admirable address, so full of truthful suggestion to this day, was as follows:

"I confess that there are several parts of this constitution which I do not at present approve, but I am not sure that I shall never approve them; for, having lived long, I have experienced many instances of being obliged, by better information, or fuller consideration, to change opinions, even on important subjects, which I once thought to be right, but found to be otherwise. It is, therefore, that the older I grow, the more apt I am to doubt my own judgment and to pay more respect to the judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that whenever others differ from them, it is so far error. Steele, a Protestant, in a dedication tells the Pope that the only difference in our churches in their opinions of the certainty of their doctrines is, 'The Church of Rome is infallible, and the Church of England is never in the wrong.' But though many private persons think almost as highly of their own infallibility as that of their own sect, few express it so naturally as a certain French lady, who, in a dispute with her sister said: 'I don't know how it happens, sister, but I meet with nobody but myself who is always in the right—*il n'y a que moi qui a toujours raison.*'

"In these sentiments, I agree to this constitution with all its faults, if they are such; because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people if well

administered, and I believe further that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall have become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other convention we can obtain may be able to make a better constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests and their selfish views. From such an assembly, can a perfect production be expected? It, therefore, astonishes me to find this system approaching so near to perfection as it does; and, I think that it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded, like those of the builders of Babel, and that our states are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus, I consent to this constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors are sacrificed to the public good. I have never whispered a syllable of them abroad. Within these walls, they were born, and here they shall die. If every one of us in returning to our constituents were to report the objections he has had to it, and endeavor to gain partisans in support of them, he might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations, as well as among ourselves, from our real or our apparent unanimity. Much of the strength and efficiency of any government in procuring and securing happiness to the people, depends on opinion—on the general opinion of the goodness of the government as well as the wisdom and integrity of its governors. I hope, therefore, that for our own sakes as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this constitution (if approved by congress, and confirmed by the convention) wherever our influence may extend, and turn our future thoughts and endeavors to the means of having

it well administered. On the whole, I cannot help expressing a wish that every member of the convention who may still have objections to it, would with me on this occasion doubt a little of his own infallibility and, to make manifest our unanimity, put his name to the instrument."

On September 17, 1787, the constitution was signed, the immortal work of the convention completed, and its four months' session ended by final adjournment.

Its members often spoke of the impressive solemnity of that final hour.

James Madison concludes his diary of its deliberations as follows:

"Whilst the last members were signing, Dr. Franklin, looking toward the president's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish, in their art, a rising from a setting sun. 'I have,' said he, 'often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issues, looked at that behind the president, without being able to tell whether it was rising or setting. But now, at length, I have the happiness to know that it is a rising, and not a setting sun.' "

The completion of the immortal work of the convention far from ended the battle. The opposition of the congress was renewed. Rufus King had come over to the standard of the new constitution, but others of great influence and eminence were arrayed against it. These were led by Richard Henry Lee, who had moved the Declaration of Independence, and the preparation of the Articles of Confederation, and Nathan Dane still lent his able opposing aid.

Says John Marshall: "They seemed firmly persuaded

that the cradle of the constitution would be the grave of republican liberty.”

To advocate the adoption of the constitution was for that congress and the confederation it represented, to urge the signing of its own death warrant. Eight days of anxious debate ensued as to whether the constitution should be submitted to the people. Madison, “Light Horse Harry” Lee, and Edward Carrington made heroic efforts for its submission.

Richard Henry Lee, from the fact that the plans proposed were the products of young men—Charles Pinckney was twenty-nine, Hamilton thirty, Randolph thirty-four, and Paterson forty-two years of age—denounced it as “the work of visionary young men.”

This is not the only time that “the atrocious crime of being a young man” gave to gifted Americans a crown of glory. The young, but mature young, statesmen of the congress rallied with all the impetuous vigor of their sturdy manhood, and urged the submission to the people of the constitution, whose growing power and importance was day by day newly impressing all.

Just at that moment, New York knocked out the last prop for raising the revenue imperatively needed to pay the interest on the public debt, by refusing to assent to the amendment to the Articles of Confederation allowing duties to be levied on imports. Thereupon the helpless, impoverished congress yielded.

The best, however, that could be obtained was a decision to merely submit the constitution to the people, neither approving nor disapproving of it. The resolution to do this read as follows:

“That the said report, with the resolution and letter accompanying the same, be transmitted to the several legislatures in order to be submitted to a convention of

delegates chosen in each state by the people thereof, in conformity to the resolve of the convention made and provided in that case."

This resolution passed on September 28, 1787. From that time the battle was then carried to the states. Great men in each state fought it with all the earnestness and skill they could command.

In Virginia, Patrick Henry, George Mason, Richard Henry Lee, and James Monroe, opposing it, were pitted against James Madison, George Wythe, John Marshall, and Edmund Randolph.

Wilson led the splendid fight for it in Pennsylvania, aided by the feeble, yet powerful Franklin.

Hancock and at first Samuel Adams, in Massachusetts, were lukewarm, if not hostile. Elbridge Gerry had refused to sign, and was bitterly opposed to the ratification. He had been defeated for a seat in the Massachusetts convention, but was a formidable power against ratification, nevertheless. In this situation, Paul Revere outdid his former famous ride, and brought to the constitutional party the needed alliance of Samuel Adams. The voice of the people was potent with Mr. Adams. Revere gathered the mechanics in a meeting at the Green Dragon Tavern in support of ratification, and was made chairman of the committee to report their resolutions to Mr. Adams and the convention. "How many mechanics were at the Green Dragon when these resolutions were passed?" asked Mr. Adams. "More, sir, than the Green Dragon could hold," replied Revere. "And where were the rest?" "In the street." "And how many were in the street?" "More, sir, than there are stars in the sky," replied the enthusiastic Revere. That settled it. Mr. Adams came over to the forces of the constitution, and the Massachusetts convention ratified it.

Rutledge and the two Pinckneys led the forces for the constitution in South Carolina, and Baldwin in Georgia. Both states swung into the conquering line, the latter by unanimous vote.

Of all the states represented, in North Carolina alone was ratification defeated.

In no state did the battle rage fiercer than in New York. Governor Clinton, the most influential man in the state, Yates, Lansing, and Melancthon Smith, an orator of unusual power, bitterly opposed its ratification. The convention elected to consider it was overwhelmingly against it. Hamilton, Madison, and Jay united their massive batteries in the *Federalist*, and Hamilton, an army in himself, had to make almost the sole contest in the convention. Never was a greater victory won by one man. His convincing arguments first made captive Melancthon Smith, and changed him into an aggressive ally. Others followed. The discussions were prolonged until it was known that nine states had ratified the constitution and that the Union under the constitution was an accomplished fact. It was then seen that if New York stayed out she would be located with this union of states on the north, east, and south of her, and the alien British possessions on the west. By the narrow margin of three votes, her once hostile convention turned into a friendly convention, and the great state of New York was enrolled under the constitution.

Nor in this great battle of intellectual patriotism did Washington lose his always foremost place. During his whole career, he seldom spoke; but when he did, his utterances were condensed words of wisdom that sank deep into the hearts of his countrymen. In addition to the clearness with which he culled out the kernel of every question he touched, his words had added weight on

account of the people's love for him. The universal confidence in his honesty, in his sincere, supreme devotion to his country, and in his sound judgment, made all America his attentive audience.

At the crucial moment, into the thick of this, the people's battle of the ages, Washington sent this solid shot that turned the tide of victory:

"If another Federal convention is attempted, its members will be more discordant, and will agree upon no general plan. The constitution is the best that can be obtained at this time. *The constitution or disunion are before us to choose from.* If the constitution is our choice, a convenient door is open for amendments, and they may be adopted in a public manner, without turmoil or disorder."

This statement made dispassionate judgment recognize the vital truths of the momentous issues at stake. It was the constitution or disunion. The open opportunity to peaceably amend and correct defects in a plan containing so many desirable, necessary, and attractive features, stood clearly outlined in this terse statement. It convinced the doubtful. It encouraged the redoubled efforts of the far-sighted, unselfish, patriotic intelligence that supported the constitution. It carried the conflict.

At this critical hour there was seen a striking example of envenomed spite fastening its fangs in its own vitals. It was a lesson that the American people should never forget—the lesson that passionate denunciation accomplishes its own ruin.

In a Philadelphia newspaper, a reckless opponent of the constitution denounced Washington as a born fool, a tyrant wishing to subvert the liberties of the people.

The outrage of this ungrateful charge reacted in bringing about such a revulsion of feeling with those who

differed from Washington in opinion but could not endure that sort of attack upon him, that they went over, horse, foot, and dragoons, to his side, and aided to complete his victory. His life had been such an open book, so thoroughly read by every American, so filled with glorious achievement, so crowded with unselfish goodness, that refutation was needless, and resentment was universal. This irretrievable blunder was a fatal boomerang. It made hosts in every quarter discredit even the arguments of the opposition.

Sentiment is often more influential than reason. The gratitude of the country was aroused. Its holiest sentiment was touched. Its heart responded. The business interests, the farmers, mechanics, and merchants rallied to Washington's support. The majestic form of the great commander again led the devoted columns of his country. At last, he marched to his grandest victory, and planted the triumphant banner of the United States on the eternal ramparts of the ratified constitution.

CHAPTER XV

THE FRAMERS OF THE CONSTITUTION



THE eulogies bestowed upon the framers of our constitution were not misplaced. Their memories and achievements merit the lasting honor of the American people. Their names and deeds should be familiar to every citizen.

Sixty-five delegates were elected to serve in the Constitutional Convention. Ten, two from each of the states of New Hampshire, New Jersey, North Carolina, and Georgia, one from Massachusetts, and one from Virginia, through indifference or opposition to the movement, did not attend. The most notable of these was Patrick Henry, the celebrated Virginia orator, who not only opposed the calling of the convention, but also the ratification of the constitution in the Virginia convention. However, after its ratification he became its loyal and earnest supporter.

Sixteen did not sign it. Seven of these, Elbridge Gerry, John Lansing, Luther Martin, George Mason, John Francis Mercer, Edmund Randolph, and Robert Yates, refused because of opposition to its adoption. Nine, William Richardson Davie, Oliver Ellsworth, W. Churchill Houston, William Houston, Alexander Martin, James McClurg, William Pierce, Caleb Strong, and George Wythe, did not sign because of absence on account of illness, or other reason regrettable to them. However, all of them were devoted patriots and afterward became warm supporters of the constitution. Many of

them filled high positions and rendered distinguished services to the Union.

Following are brief sketches of the careers of the fifty-five men who took part in the convention:

From New Hampshire

NICHOLAS GILMAN was born in New Hampshire August 3, 1755, and died May 2, 1814.

He served as an adjutant in the Revolutionary army, for a while on Washington's staff, and was given charge of the captured troops at the surrender of Lord Cornwallis. He was a member of the Continental Congress and of the house of representatives of the United States, and was a United States senator at the time of his death.

JOHN LANGDON was born in New Hampshire June 25, 1739, and died September 18, 1819.

He served in the Revolutionary army; was many times a member, and once president, of the state legislature; was a delegate to the Continental Congress; was governor of New Hampshire; was United States senator, and was elected president of the senate before Washington and Adams qualified as president and vice-president, the election being for the purpose of counting the first electoral vote of the United States, and of notifying the candidates of their election. He declined a nomination for vice-president. His election twice to the presidency of the senate verifies the repeated statements of his contemporaries that he was one of the ablest statesmen of his day.

From Massachusetts

ELBRIDGE GERRY was born in Massachusetts July 17, 1744, and died November 23, 1814.

He was a graduate of Harvard, entered into commercial life, and amassed a fortune. He was a member of the

Massachusetts committee of correspondence and safety; drafted the bill authorizing privateering during the Revolution, which was the initial step toward a national navy; was a member of the general court, or legislature of Massachusetts; was governor of Massachusetts; was delegate from Massachusetts to the Continental Congress; and was one of the special commissioners to France with Charles Cotesworth Pinckney and John Marshall, during the administration of President Jefferson. He was sixth vice-president of the United States.

While Gerry was governor of Massachusetts, the state was redistricted by the legislature in such a manner as to give the dominant party in that legislature an unfair advantage in the election of new members. One of these districts was so stretched out over the state as to resemble a huge salamander. Governor Gerry, being the leader of the dominant party, the opposition denounced the arrangement as a "Gerrymander." Whether it be just or unjust, nothing so appeals to the public as an apt illustrative epithet. The humorous aptness of the illustration in the peculiarly-shaped district made that word strike home. It gained such universal currency that it crept into the dictionary, and has continued ever since to be the designation of a method of partisan arrangement of election districts, without regard to the adjacent situation of territory. History credits him, however, with being really opposed to the arrangement, instead of being its author.

Gerry refused to sign the constitution, fearing it would result in revolution. Though defeated in his candidacy for membership in the Massachusetts convention called to decide upon ratifying the constitution, his recognized ability brought a special invitation from that convention to address it and give his views upon the constitution whose fate was before it.

NATHANIEL GORHAM was born in Massachusetts May 27, 1738, and died June 11, 1796.

He was a successful business man of marked financial ability. He was repeatedly a member of the state legislature; was a member of the state constitutional convention; studied law, and became a judge of the Massachusetts court of common pleas; was a member and one of the presidents of the Continental Congress, and held such high rank for qualifications as a presiding officer that when Washington temporarily left the chair, he chose Mr. Gorham to preside over the Constitutional Convention.

RUFUS KING was born in Maine in 1755, and died April 29, 1827.

He was a graduate of Harvard; was aide-de-camp to General Sullivan in the Revolutionary army; was a member of the Massachusetts legislature, and was a delegate from the state to the Continental Congress, in which, in 1785, he moved the adoption of the anti-slavery clause in the celebrated ordinance of 1787 as to the Northwest Territory, which was subsequently adopted while he was in attendance upon the Constitutional Convention, and is repeated, almost word for word, in the thirteenth amendment to the constitution. King was one of the commissioners to settle the boundary between Massachusetts and New York, and to convey the lands west of the Alleghanies to the United States. It was mainly due to his efforts that the ratification of the constitution was carried in the Massachusetts convention.

In 1788, he removed to New York and was elected as one of that state's United States senators. He was minister to England under the administrations of Washington, Adams, and Jefferson. On his return he was again elected to the United States senate, serving in that body

in all nineteen years. He was a candidate for president against James Monroe, and was again sent as minister to England by the appointment of John Quincy Adams.

CALEB STRONG was born in Massachusetts January 9, 1745, and died November 7, 1819.

He was a graduate of Harvard, a member of the Massachusetts state senate for nine years and governor of Massachusetts for eleven years. He was a member of the Massachusetts constitutional convention in 1779. He declined a seat upon the supreme bench of his state, and was one of the first United States senators from the state.

From Connecticut

OLIVER ELLSWORTH was born in Connecticut April 29, 1745, and died November 26, 1807.

He was a graduate of Princeton, and studied theology, but went into the practice of law. He was a member of the governor's council of Connecticut; was judge of the Connecticut superior court; was United States senator from Connecticut, and was chief justice of the Supreme Court of the United States. He was a conspicuous advocate of the rights of the states, in the Constitutional Convention, and while in the United States senate was chairman of the committee that prepared the bill establishing the judicial system of the United States. This original bill, in his own handwriting, was passed with but few changes in its provisions, and is yet one of the treasured documents in the archives of the government. He was a distinguished member of the Continental Congress. While serving as chief justice, he was sent as minister to France, and, on account of ill health, resigned as chief justice while there. After his return from France, he was appointed chief justice of the Connecticut supreme court, but ill health compelled him to resign,

and soon afterward he died. He was followed to his tomb by the gratitude and honor of his whole country. John Adams pronounced him the best pillar of Washington's administration. Unfortunately, he was called home from the convention, and hence failed to sign the constitution, but he was one of the powers that secured its ratification in his own and other states.

WILLIAM SAMUEL JOHNSON was born in Connecticut October 7, 1727, and died November 14, 1819.

His father was the first president of King's College, and he himself was the first president of that college when it was incorporated as Columbia College. He was reared in an intellectual atmosphere. The University of Oxford, England, conferred the degree of D. C. L. upon him in 1776. While serving as special commissioner from Connecticut in England, he formed intimate friendships with many of the most eminent English literary celebrities.

He was a graduate of Yale, a lawyer of the first rank, a member of the Connecticut legislature, and was a member of the Stamp Act Congress. His position during the Revolution was peculiar and trying. He was devoted to his country, yet could not join in the war against England, and remained in retirement until peace was declared. After that he became a member of the Continental Congress from 1784 to 1787.

Johnson was chairman of the committee of style and arrangement to revise the final phraseology of the constitution. He was one of Connecticut's first United States senators. No man of his day was more highly regarded, both in England and America, for superior scholarly attainments and purity of character.

ROGER SHERMAN was born in Massachusetts April 19, 1721, and died July 23, 1793.

He was one of the best specimens of that class of men,

whom America hails as "self-made men" and crowns with her democratic regard. He began life as a shoemaker, studied law while at work at the shoemaker's bench; was a member of the state legislature; was judge of the Connecticut court of common pleas, and was for twenty-three years chief justice of the Connecticut supreme court. He was treasurer of Yale College, and had the degree of M. A. conferred upon him by that college. He was a member of the Continental Congress; was a member of the lower house of the United States congress, and at the time of his death was a United States senator from Connecticut. He was the only man who signed the four principal epoch-making documents in American history that parallel the Magna Charta—the Articles of Association of 1774, the Declaration of Independence, the Articles of Confederation, and the Constitution. He was a member of the committee to draft the Declaration of Independence. Thomas Jefferson said of him: "He never said a foolish thing in his life."

Sherman's purity, simpleness of manner, sound judgment, and great ability are testified to by the unanimous commendation of his co-patriots. Two of his worthy descendants have honored the United States senate and helped make the history of the country—William M. Evarts of New York and George F. Hoar of Massachusetts. No more useful and illustrious triumvirate than the foregoing from Connecticut was ever sent by any state to the various councils of this nation.

From New York

ALEXANDER HAMILTON was born on the island of Nevis in the West Indies, January 11, 1757, and died July 12, 1804.

In very early boyhood, he displayed such ability in com-

position and business aptitude in the commercial house where he worked as to attract the admiration of wealthy friends, and was sent to New York, where he attended and graduated from King's (now Columbia) College. At the age of seventeen, with a group of patriotic associates from the college, he attended a meeting where were being discussed the issues aflame between the colonies and Great Britain, and was called upon for a speech. His logic and eloquence so astonished the audience as to at once give him important rank as an advocate of colonial rights. He soon after began the contributions to the press on public topics that made him so famous. He was the most precocious statesman in all our history.

Hamilton was the only member of the Constitutional Convention who signed the constitution as an individual. He did this because his colleagues had left, and, in consequence, he did not feel authorized to sign alone for New York. The *Federalist*, chiefly his product, has been, and always will be, the political classic of American literature, cited by courts, quoted by statesmen, studied by the cultured, and admired by all. Hamilton was the trusted confidant of Washington. He was appointed the first secretary of the treasury of the United States. Of him Daniel Webster said: "He touched the dead corpse of the public credit, and it sprang upon its feet."

—He was a believer in a strong government, and doubted the capacity of the masses to govern correctly. With the usual commercial and business view, he deprecated brief tenures of office and frequent elections as hostile to settled prosperity and fomenters of business disturbance, and advocated tenures for life, or good behavior, for the president and United States senators.

Hamilton's untimely death at the hands of Aaron Burr, in a duel, did more to evoke legislation against

dueling than any event in American history. He shot in the air, in disdain of the practice in which pride made him take such a fatal part. In Hamilton's grave, Burr's political fortune and reputation were buried. Hamilton served on Washington's staff during the Revolutionary War. His unquestioned genius, whatever difference of opinion may exist as to the policies he espoused, will enshrine his memory in the honor and pride of America for all time.

JOHN LANSING was born in New York, January 30, 1754, and died December 12, 1829.

He was many times a member of the state legislature of New York, and a member of the Continental Congress from that state. He was a justice of the New York state supreme court, and then became its chief justice. He succeeded Robert R. Livingston as chancellor and held that office for thirteen years, when age made him ineligible for further service. He was then succeeded by James Kent, worthily honoring the chancellorship made so distinguished by these two of the most celebrated jurists in our history.

ROBERT YATES was born in New York, January 27, 1738, and died September 9, 1801.

He received a classical education in New York City. He was a member of the New York provincial congress and committee of safety. He served on the committee that drafted the first constitution for New York in 1776. He was judge of the New York state supreme court, and chief-justice of it for eight years, preceding his colleague, John Lansing, in that exalted position. He was an unsuccessful candidate for governor.

Both Lansing and Yates left the Constitutional Convention before its labors were concluded, so hostile were they to the proposed constitution, and they bitterly

opposed its ratification by the state of New York. Each left notes of exceeding historic value of the proceedings in the great convention that framed our constitution.

From New Jersey

DAVID BREARLEY was born in New Jersey, June 11, 1745, and died August 16, 1790.

He was an officer in the Revolutionary army, a member of the convention that framed his state's constitution in 1781, chief justice of the supreme court of New Jersey and United States district judge. Like many of his contemporaries, he was a scholarly contributor to the literature of the day.

JONATHAN DAYTON was born in New Jersey, October 16, 1760, and died October 9, 1824.

He was a graduate of Princeton; was an officer in the Revolutionary army, and served under Lafayette at Yorktown. He was many times a member of his state legislature; he was eight years a member, and twice speaker, of the United States house of representatives, and he was United States senator from New Jersey. Dayton was the youngest member of the Constitutional Convention. His indictment for joining in the treason with Aaron Burr, while he was in the United States senate, though he was never tried under it, wrecked his career.

W. CHURCHILL HOUSTON was born in North Carolina in 1740, and died August 12, 1788.

He went to Princeton College, and worked as a tutor in the college while securing his education. After his graduation, he became a professor in mathematics in the college. He was a member of the state legislature, of the New Jersey council of safety and of the Continental Congress. Ill health prevented him from being present at the signing of the constitution.

WILLIAM LIVINGSTON was born at Albany, New York, November 30, 1723, and died at Elizabethtown, New Jersey, July 25, 1790.

He graduated at the head of his class at Yale at the early age of eighteen, and soon became one of the most famous lawyers of New York. His first public service was as a member of the provincial congress of New York, being elected from his brother's "Manor of Livingston."

Exhausted by the labors of an extensive practice, in 1760 he removed to New Jersey, retired from professional life, and erected near Elizabethtown "Liberty Hall," one of the famous colonial mansions, where Washington and many of the noted men of the time consulted with and were entertained by him. He was an especial object of British malevolence during the Revolutionary War, and many efforts were made to capture him, and destroy his palatial home.

He was a delegate from New Jersey to the first, second, and third Continental Congresses, but, leaving to become a brigadier-general of the New Jersey troops, missed affixing his signature to the Declaration of Independence.

He was one of the first trustees of King's College, but declined the position because, at that time, the president of the college had to be a member of the Church of England. He published the first Digest of the Colonial Laws of New York, and was one of the most prolific and influential writers of his day.

He was elected the first governor of New Jersey, and by ten successive reëlections held that position until his death. Devoted to his adopted state, he declined the position of minister to Holland, then one of our most important foreign missions, and all efforts to induce him to become a member of the national congress failed.

He liberated his own slaves, advocated the emancipation of all slaves in New Jersey, and secured the enactment of the law prohibiting the further importation of slaves into that state.

He was one of the founders and original trustees of the New York Society Library.

Said President Timothy Dwight, of Yale College: "The talents of Governor Livingston were very various. His imagination was brilliant, his wit sprightly and pungent, his understanding powerful, his taste refined, and his conceptions bold and masterly. His views of political subjects were expansive, clear and just. Of freedom, both civil and religious, he was a distinguished champion."

WILLIAM PATERSON was of Irish parentage, born at sea in 1745, and died September 9, 1806.

His parents brought him with them to America when he was two years old. He was a graduate of Princeton. He served in the New Jersey legislature, and the New Jersey constitutional convention; was attorney-general of that state, a delegate from it to the Continental Congress, governor of New Jersey, United States senator, and for thirteen years a justice of the Supreme Court of the United States.

Paterson introduced and argued for the state-rights plan in the convention, and was a foremost advocate for equality of representation by all of the states, large and small, in the congress of the new Union. With the equality of the states in the senate he became content, agreed to the compromise, and secured the early unanimous ratification of the constitution by New Jersey. His profound and brilliant learning, his unquestioned patriotism and the fact that he represented most prominently the shade of political thought that he did, commended him to Washington in the latter's selection of an

associate justice of the Supreme Court—that august tribunal that ought always to, as nearly as possible, evenly reflect the dominant different political sentiments of the country. Paterson, New Jersey, is the state's monument to Paterson's illustrious memory.

From Pennsylvania

GEORGE CLYMER was born in Pennsylvania January 24, 1739, and died January 23, 1813.

He was a soldier in the Revolutionary army, a member of the Pennsylvania council of safety, treasurer of Pennsylvania, delegate from that state to the Continental Congress, and a member of the United States house of representatives. He was also one of the founders of three of the most useful and prominent Pennsylvania institutions—the Pennsylvania Agricultural Society, the Pennsylvania Academy of Fine Arts, and the Pennsylvania Bank, of the last of which he was president. He was a man of great erudition, and the author of many political, literary, and scientific essays.

BENJAMIN FRANKLIN was born in Boston, January 17, 1706, and died April 17, 1790.

He was a printer's apprentice who came in boyhood to Philadelphia. His early struggles for a livelihood are an inspiration to every American boy who grapples with poverty in this land of opportunity. He went to England, and sought employment in London at the printer's trade, returning to Philadelphia after a brief experience abroad. He subsequently returned to England as the representative of the colonies, and contested with the ablest of the British statesmen for the rights of the people who sent him.

At the time of the Constitutional Convention, next to Washington, Franklin was the most revered man in

America, and but for his age would probably have been chosen president of that convention. A third of a century before, in the prime of his manly and mental vigor, he had submitted the national plan for the union of the colonies, previously mentioned, and was now crowning the glories of his declining years by his all-powerful aid in securing a united country.

At the time of the convention, Franklin was president of the state of Pennsylvania. His long, repeated and valuable services to his state and country, both at home and abroad, his genial wit, his instructive satire, his common-sense proverbs in *Poor Richard's Almanac*, had made him as universally known as he was universally honored. Added to this was the due veneration accorded his age—he was the oldest member of the convention, as he was the oldest member of the Continental Congress who signed the Declaration of Independence. Too feeble to take his former active part in the animated discussions of the convention, he was constantly surrounded by its members who sought his wisdom and followed his lead. Ever ready with practical suggestions that appealed to the calm consideration of all, he was the balance-wheel in many of the troublous struggles of the convention.

Near the close of the convention it began to look as if the efforts of the able patriots composing it would end in vain. Even Washington, whose stout heart never quailed before, whom doubt never discouraged in the trying hours of the Revolution, whose sublime faith in success cheered every comrade when others were sunk in the depths of despair,—Washington wrote to a friend: “I almost despair of seeing a favorable issue to the proceedings of the convention, and I do, therefore, regret that I have had any agency in the business.”

At this critical hour, Franklin arose, calmed the conten-

tious convention and commended his memory to the Christian sentiment of all time in the following address:

“In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle, must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity, and have we now forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, *that God governs in the affairs of men*. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that except the Lord build the house, they labor in vain that build it. I firmly believe this, and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be divided in our little, partial, local interests, our projects will be confounded, and we ourselves shall become a by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest. I, therefore, beg leave to move that henceforth prayers imploring the assistance of heaven and its blessing on our deliberations, be held in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service.”

This appeal touched the hearts of all, and greater harmony marked the course of compromise and conciliation that concluded with our country's constitution.

THOMAS FITZSIMMONS was born in Ireland in 1741, and died in August, 1811.

He was a merchant. He served in the Revolutionary army as a captain, and was for many years a member of the Pennsylvania legislature, and for six years a delegate from Pennsylvania to the Continental Congress. He was president of the Philadelphia chamber of commerce, and the North American Insurance Company, bringing to the counsels of the convention the needed training and sagacity of successful business experience combined with extensive legislative drill.

JARED INGERSOLL was born in Connecticut in 1749, and died October 31, 1822.

He was a graduate of Yale, and had five years educational training at the Temple, London, England. He had taken an active part in Pennsylvania's legislation; was twice attorney-general of that state and the admitted head of its bar. He had been a member of the convention that framed the Pennsylvania constitution, and a delegate from his state to the Continental Congress. In 1812, he was a candidate for vice-president, and at the time of his death was presiding judge of the district court of Philadelphia.

THOMAS MIFFLIN was born in Pennsylvania in 1744, and died January 20, 1800.

He was of Quaker descent, a graduate of Philadelphia College, a member of the state legislature, and president of the executive council, a member and one of the presidents of the Continental Congress. He rose from brigadier to major-general in the Revolutionary army, and at the solicitation of Washington, was made quartermaster-general of the army. He was president of the convention that framed the new constitution of Pennsylvania, and was the first governor of the state under it, serving for three years, the full limit of the time he was eligible.

GOUVERNEUR MORRIS was born in New York, January 31, 1752, and died November 6, 1816.

He was a graduate of King's (now Columbia) College. He was a member of the provincial congress of Pennsylvania, delegate from that state to the Continental Congress and sent by Washington as the confidential agent of the nation to England. He returned to his native state, New York, where he became governor, and was then sent to the United States senate. He was also minister to France. His scholarly attainments, elegance of diction, felicitous and forceful mode of expression made him a prominent member of the committee of five to express the constitution in its final phraseology. He was one of the committee that drafted the constitution of the state of New York; was an early advocate of the Erie Canal, and was chairman of the canal committee.

ROBERT MORRIS was born in England January 20, 1734, and died May 8, 1806.

He was for some time a member of the Pennsylvania legislature, and was sent by that state to the Continental Congress. He voted for and signed the Declaration of Independence, and was unanimously selected as superintendent of finance during the Revolution. He was offered the position of first secretary of the treasury by Washington, but declined, recommending Alexander Hamilton. He was sent by his state to the United States senate. He was the most remarkable and useful financier of his day. By his personal pledge, he being a man of wealth, he raised the money that saved the Revolution from shipwreck and brought upon himself the financial distresses that sent him to a debtor's prison—an eternal blot on American history and a fateful lesson of the folly of a league system of government whose obligations are enforcible only by voluntary action. He supplied almost

every equipment to carry on the campaign that accomplished the defeat of Cornwallis. He also aided in sending the first American ship to China.

JAMES WILSON was born in Scotland, September 14, 1742, and died August 25, 1798.

He was educated at St. Andrews, Glasgow, and Edinburgh. He came to this country a finished scholar and an accomplished lawyer, but was at first a tutor in Latin in Philadelphia. He was colonel of a battalion in the Revolutionary army; was one of Pennsylvania's delegates to the Continental Congress, and was advocate-general for France in the United States.

He was one of the signers of the Declaration of Independence; was a member of the convention that framed the Pennsylvania constitution; with Thomas McKean, was the publisher of the commentaries on the constitution of the United States, and was first professor of law in the University of Pennsylvania. He was admittedly the ablest constitutional lawyer in the Constitutional Convention; was a finished orator, and of all men in his state did most to secure the adoption of the constitution by Pennsylvania. He closed his illustrious career as a justice of the Supreme Court of the United States.

From Delaware

RICHARD BASSETT was born in Delaware, and died in 1815.

He was governor of Delaware, chief justice of its supreme court, one of its United States senators and United States circuit judge. He was one of the substantial, but not showy, statesmen who served well in every place to which he was called, and lived in the lasting honor of his state and country.

GUNNING BEDFORD was born in Philadelphia, April, 1747, and died March 30, 1812.

He was a graduate of Princeton, a volunteer aide on Washington's staff for a short time, and a member of the Delaware legislature. He represented Delaware in the Continental Congress, and afterwards became its governor. He was United States district judge at the time of his death.

JOHN DICKINSON was born in Maryland, November 13, 1732, and died February 14, 1808.

After a classical education in Philadelphia, he was prepared for the bar at the Temple, London. He was president of both the states of Pennsylvania and Delaware, and was a member both of the Stamp Act Congress and of the Continental Congress. In the latter he opposed the Declaration of Independence. He entered the Revolutionary army as a private, and became a brigadier-general of that army. Under the *nom de plume* of "Farmer," he was one of the most potent writers of the ante-revolutionary period. Though his bitter personal enemy, Benjamin Franklin had these "Farmer" letters published and presented to the king and given wide circulation in England, thinking them the strongest arguments ever made for the rights of the colonies.

The writings of no other man so clearly presented the colonial cause, so helped to crystallize public sentiment, or, in the words of America's great historian, George Bancroft, "so controlled the destinies of the country."

JACOB BROOM was born in Pennsylvania October 17, 1752, and died April 25, 1810.

He held many offices of honor and trust in Delaware, but did not figure in our national history, outside of his part in the Constitutional Convention.

GEORGE READ was born in Maryland, September 17, 1733, and died September 21, 1798.

He received a classical education at New London, Pennsylvania. While attorney-general of the three counties that afterwards constituted Delaware, he wrote a letter to the governor of the Bank of England, predicting that England's taxation of the colonies without representation and her arbitrary exactions would lead to independence and would result in a nation that would rival the mother country. The letter made a profound impression in England. He was for twelve years a member of the Delaware legislature and, while a member, wrote a letter to the king that Lord Shelborne said so interested his majesty that he read it over and over again. Read was a member of the Continental Congress, where he voted against the Declaration of Independence, but signed that immortal document when it was passed by the congress. He was one of the naval commissioners of the congress. He was one of the only three men who signed the original petition to the king, the Declaration of Independence, and the constitution. He was the principal author of the first constitution of Delaware, and was one of the United States senators from that state, resigning to become chief justice of the supreme court of Delaware. In the Constitutional Convention he was one of the leading advocates for equality of representation by all the states in the United States senate, and was influential in securing that clause in the constitution which gives equal representation. He aided in giving his state the honor of being the first to adopt the constitution of the United States.

From Maryland

DANIEL CARROLL was born in Maryland in 1756, and died in Washington in 1829.

He was a member of the Continental Congress, and of the United States house of representatives. His farm formed the site of the present city of Washington.

DANIEL OF ST. THOMAS JENIFER was born in Maryland in 1723, and died November 6, 1790.

He took an active part in the movements preceding the Revolution, and was a member of the Continental Congress. He was a member of the committee from the states to settle the rights of the bordering states in Chesapeake Bay and the Potomac, the meeting of which with Washington at Mt. Vernon started the movement that led to the calling of the Constitutional Convention.

LUTHER MARTIN was born in New Jersey, February 9, 1748, and died July 10, 1826.

He was a graduate of Princeton. He refused to sign and vehemently opposed the adoption of the constitution. He left valuable historic notes of the debates in the Constitutional Convention. He was attorney-general of Maryland for several terms, and chief justice of the Maryland court of Oyer and Terminer. He was a man of remarkable ability, as was shown by his being employed to defend Judge Chase, the only justice of the supreme court whose impeachment was ever attempted, and Aaron Burr, who was tried for treason. In both of these cases he was successful. Thomas Jefferson called him the "Federal bulldog." Martin's defense of Burr cost him the good will of many of his countrymen. His last years were so embittered by poverty that the legislature of his state enacted a law compelling all lawyers to pay an annual license fee of five dollars, and gave the entire proceeds to him.

JAMES MCHENRY was born in Ireland, November 16, 1753, and died May 3, 1816.

He received a classical education in Dublin. He was a physician and surgeon, and was a surgeon in the Revolutionary army. He was secretary to Washington and then to Lafayette. He was a member of the Continental Congress and of the Maryland legislature at the same time. He was secretary of war under Washington. Fort McHenry, named in his honor, is a monument to his memory.

JOHN FRANCIS MERCER was born in Virginia, May 17, 1759, and died August 30, 1821.

He was a graduate of the College of William and Mary. He was in the Revolutionary army under General Lee, and was with Lafayette at the surrender at Yorktown. Part of the time he was commander of a troop raised and equipped at his own expense. He studied law under Thomas Jefferson and was one of the most confidential and trusted friends of Jefferson. He removed to Maryland; was many years a member of the Maryland legislature, and became governor. He was a member of the Continental Congress, and later, of the United States congress. He was a devoted patriot, though he refused to sign the constitution and opposed its adoption.

From Virginia

JOHN BLAIR was born in Virginia in 1732, and died August 31, 1800.

He was a graduate of the College of William and Mary, and of the Temple, London. He was one of the committee to draft a plan for the government of the state in 1776. His was a legal and judicial, not a political, life. He was first a judge and then chief justice of the Virginia court of appeals; was judge of the Virginia high court of chancery, and was a justice of the supreme court of the United States.

JAMES MADISON was born in Virginia, March 16, 1751, and died June 28, 1836.

He was a graduate of Princeton. He was a member of the Virginia legislature, where, under the confidential advice of Washington, he began the battle that led to the ultimate calling of the Constitutional Convention. He was one of the most influential members of that body, as well as a chief power in securing the adoption of the constitution by Virginia and other states. He was a collaborer of Hamilton in writing the *Federalist*. His gallant fight in the Virginia legislature secured the first state appeal for a Constitutional Convention. His part in the *Federalist* helped greatly in securing the adoption of the instrument that has made this nation what it is. He was a member of the United States congress, minister to England, secretary of state, and twice president of the United States. Madison's long career of unblemished honor, his stainless character, his versatile abilities, his great achievements, his whole eminent and useful life gave him high rank in the gratitude and honor of his country.

Madison's early and constant efforts for such a constitution as was finally framed have given him the name of "The Father of the Constitution." Nor is it undeserved. He sought a seat in the Virginia legislature for the sole purpose of creating a sentiment that would induce that legislature to initiate the action which resulted in forming a constitution.

Despite his first ill-success, he persisted until the Annapolis Convention was called, and led his state to take the first action in favorable response to its call. No member took a more active or useful part in the convention, and to him the nation is indebted for the most complete report of the convention. Providence blessed him for his noble work. After being the recipient of the

highest honors a grateful people could bestow, at the ripe age of eighty-five he closed his useful life of honor, the last survivor of the framers of the constitution.

GEORGE MASON was born in Virginia in 1725, and died October 7, 1792.

It is claimed that he drafted, in 1776, the Virginia Declaration of Rights and the constitution of Virginia. He declined a position in the Continental Congress, though he was most instrumental in calling the general congress of 1774, and was an active exponent of the rights of the colonists prior to the Revolution. Jefferson said of him: "He was a man of the first order of wisdom and profound judgment, and learned in the lore of our former constitution." James Madison said that he was the ablest debater that he ever knew. He opposed the mention of slavery in the constitution and favored its abolition. He refused to sign the constitution because he did not consider it sufficiently democratic, and fought its adoption by Virginia in the convention of that state. He was elected one of the first United States senators from Virginia.

JAMES MCCLURG was born in Virginia in 1747, and died July 9, 1825.

He was a fellow-student of Thomas Jefferson, and a graduate of William and Mary College. He took his degree in medicine at Edinburgh, Scotland, and was a leading physician of Virginia. For many years he served Virginia in her state council. On account of illness he unfortunately did not sign the constitution.

EDMUND RANDOLPH was born in Virginia, August 10, 1753, and died September 13, 1813.

He was a graduate of William and Mary College, and his graduating oration on the royal founders of that college was of such merit that the faculty had it published.

He was a member of the Virginia convention in 1776, and aided in the preparation of its declaration of rights and constitution. He was a delegate from Virginia to the Continental Congress; was a delegate to the convention at Annapolis, and was governor of Virginia. In the Constitutional Convention he was the proponent of the national theory—one of the three plans submitted, which was supported by the “Solid South.”

* He opposed the single executive, the reëligibility of the president, the granting of the power of pardon to the president, the establishment of the office of vice-president, the equality of the states in the United States senate, and above all, the absolute control of commerce by the United States congress. For these reason he refused to sign the constitution, unless an agreement could be reached to call a second convention after the constitution had been submitted to the people for consideration, in order that such amendments might be made as he deemed essential. This having proved impossible, he redeemed his failure to sign that immortal document by earnestly and eloquently laboring for its ratification in the Virginia legislature, claiming that the Union was a necessity under almost any terms, and that amendments could be better worked for under the Union than without it. Upon his motion, the word “slavery” was stricken from the constitution. Like his colleagues from Virginia, he was opposed to its continuance.

Randolph resigned the governorship to become a member of the Virginia legislature, where he could better accomplish the revision of the state laws, and the Virginia code of laws of 1789 was, in consequence, mainly his work.

He was appointed by Washington the first attorney-general of the United States and succeeded Thomas Jefferson as secretary of state in Washington’s cabinet.

This proved to be a life-long calamity. While secretary of state, the French minister, Fouchett, exposed his letters, wherein it was intimated that Randolph was susceptible to bribery, and he resigned from the cabinet under this unfortunate cloud. He was exonerated by Fouchett, but the cloud continued to hang over him.

The secretary of state was responsible for all disbursements, and there was a loss of \$49,000 during Randolph's occupancy of the position. A protracted litigation resulted. He submitted the matter to the decision or arbitration of the comptroller, who decided against him. Thereupon he turned over his entire property to the government, and the government realized from it \$7,000 more than the principal and interest of the loss. Randolph was one of the counsel for Aaron Burr in his trial for treason, and closed his adventurous life at the head of the Virginia bar.

GEORGE WASHINGTON was born in Virginia, February 22, 1732, and died December 14, 1799.

Verily, he was "The Father of his Country," the man whose influence and character contributed most of all to the formation of our Union, whose eulogy is written in the world's love; but whose combination of the cunning of the diplomat, the sagacity of the soldier, the far-sighted, broad-minded ability of the practical statesman, and the wisdom of the philosopher, has not yet been fully appreciated. With all the pardonable pride of an American, it may be truly said that panegyric has been unable to praise too highly the "First in war, first in peace, first in the hearts of his countrymen." Hallowed in the perpetual memory of his country, Washington remains still easily the first American.

GEORGE WYTHE was born in Virginia in 1726, and died June 8, 1806.

He was a graduate of William and Mary College, and for many years a professor of law therein. He served several terms in the Virginia legislature. He was one of the committee to prepare that state's address to the king. He was a member of the Continental Congress, and a signer of the Declaration of Independence.

Under Wythe, two presidents of the United States and the greatest chief justice of our supreme court were prepared for the bar. He was for twenty years sole chancellor of Virginia. He emancipated his slaves and furnished support for them while they were becoming self-dependent. One of his famous decisions as a judge was in favor of certain British claimants against his own countrymen. Thomas Jefferson said of him: "No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest kind. His integrity inflexible. His justice exact. A more disinterested person never lived—the honor of his own and the model of future times." Wythe warmly supported the constitution, but on account of absence failed to sign it.

From North Carolina

WILLIAM BLOUNT was born in North Carolina in 1744, and died in Tennessee March 11, 1800.

He was a member of the North Carolina legislature, delegate to the Continental Congress from North Carolina, and governor of the territory south of the Ohio River. He founded the city of Knoxville, Tennessee, and was sent to the United States senate from Tennessee.

For attempting to foment a movement to wrest from Spain her territory in Florida and along the Mississippi, and to transfer it to Great Britain, articles of impeachment were preferred against him by the house of representatives. He was not tried under them, but was

expelled from the senate. The feeling throughout the entire west was so intense against Spain at that time that this served to increase his popularity in Tennessee. He was elected to the senate of that state and became its president.

WILLIAM RICHARDSON DAVIE was born in England, June 20, 1756, and died in South Carolina, November 8, 1820.

He was a graduate of Princeton, served in the Revolutionary army, and was wounded at the battle of Stony Point. At the solicitation of General Nathaniel Greene, he became commissary-general of the army in the South. He served many terms in the North Carolina legislature. He drew the act establishing the University of North Carolina, and personally saw to the erection of its buildings and the selection of its faculty. Three times he served in settling the disputed boundary between North and South Carolina. He was governor of North Carolina, one of the most distinguished and influential the state ever had. He was one of the special envoys from the United States to France in 1791.

His failure to sign the constitution was on account of necessary absence from the convention, and was not intentional.

ALEXANDER MARTIN was born in New Jersey in 1740, and died in November, 1807.

He was a graduate of Princeton, a member of the state legislature, and a colonel in the Revolutionary army. He was one of the most useful trustees of the University of North Carolina. His state honored him with its governorship, and sent him to the United States senate. His career in both brought honor in turn to his state.

RICHARD DOBBS SPAIGHT was born in North Carolina, March 25, 1758, and died September 6, 1802.

He was educated at the University of Glasgow, Scotland. He was an aide-de-camp to General Richard Caswell, and participated in the battle of Camden. He was a member of the North Carolina legislature, the Continental Congress, and the United States congress. He was the first native of North Carolina to be elected its governor. At his invitation, Washington visited North Carolina, and soon thereafter the state adopted the constitution and became the twelfth state to join the Union.

HUGH WILLIAMSON was born in Pennsylvania, December 5, 1735, and died May 22, 1819.

He was a graduate of the College of Philadelphia, and for a while a professor of mathematics therein. He was both a minister and a physician, studying medicine in the universities of Edinburgh and Utrecht. He was a surgeon in the Revolutionary army. He was frequently elected to the North Carolina legislature or house of commons, as it was called; was sent by that state three times to the Continental Congress; and was elected afterwards to the congress of the United States. He removed to New York, where he became an active promoter of educational and scientific enterprises.

From South Carolina

PIERCE BUTLER was born in Ireland, July 11, 1744, and died February 15, 1822.

He came to this country as a lieutenant in the British army, and was stationed at Boston. Resigning from that army, he settled in Charleston, South Carolina, and became one of the state's famous lawyers. He was a member of the Continental Congress, one of the first United States senators from South Carolina, and a director in the United States Bank. In the Constitutional Convention he advocated a single executive, prop-

erty as the basis of representation, and the choice of president and United States senators as finally adopted. He traced his descent from the Duke of Ormond, and took some pride in his genealogy.

CHARLES PINCKNEY was born in South Carolina in 1758, and died October 29, 1824.

He was a man of finished education; was four times governor of his state; was United States senator; was minister to Spain, and was a member of the United States house of representatives. He was the first governor of South Carolina who advocated the establishment of free schools. He was also the principal factor in the removal of the disabilities of the Jews in South Carolina. While minister to Spain, he negotiated the treaty whereby that nation relinquished all claim to what has since been known as "The Louisiana Purchase." He took an active part in the battles of the Revolutionary War at and around Charleston; at the fall of that city he was made a prisoner and suffered two years' confinement.

But scant justice has been done this able and eminent statesman. His draft of a constitution presented to the Constitutional Convention was by far the most comprehensive and systematic of all. It was the golden mean between the four plans advocated. He was the youngest proponent. So much of the arrangement and so many of the provisions of what he submitted appear in the constitution that he might appropriately be called the "Father of the Constitution," and to South Carolina might properly be accorded the leadership in the preparation of that immortal instrument.

CHARLES COTESWORTH PINCKNEY was born in South Carolina, February 25, 1746, and died August 16, 1825.

He was educated at Oxford, England, and studied for the bar at the Temple, London. He commanded in the

defense of Fort Moultrie and was assistant commander in the defense of Fort Sullivan. At the surrender of Charleston, in 1780, he was taken prisoner, and kept in rigorous confinement for two years. During this time, his son died, and the severities of his imprisonment were increased. Instead of subduing, this intensified his patriotic devotion. His answer to his captors, "My heart is wholly American, and neither severity, nor favor, nor affluence, nor poverty can ever induce me to swerve from it," illustrated the unselfish loyalty that achieved our independence. While serving as one of the three special envoys to France, in the effort to effect a reconciliation and avert the war impending between the two countries, he was informed that the use of money would secure the object of the mission of our envoys. His reply, "Millions for defense, but not one cent for tribute," spoke the manly sentiment of the American heart, and has been a watchword from that day to this.

Pinckney began his career in the Revolutionary War as a volunteer, and closed it as a major-general. When appointed by Washington second in command to Alexander Hamilton and some partial friend complained to him of the inferiority of his rank, his lofty and unselfish spirit of patriotic devotion burst forth in: "Let us first dispose of our enemies; we shall then have leisure to settle the question of rank."

He declined the offered positions of associate justice of the supreme court of the United States, secretary of state and secretary of war. He was efficient in the preparation of the Bill of Rights and the constitution of South Carolina. He was the first president of the board of trustees of the College of South Carolina. He was for fifteen years the president of the Charleston Bible Society, and a devoted worker in the Christian and educational up-

building of his state. Of him Charles Chauncey said: "His love of honor was greater than his love of power, and deeper than his love of self." He was a candidate for vice-president in 1800, and for president in 1804, and again in 1808.

He is claimed to be the author of the clause in the constitution forbidding that a religious test be made for any office under our government. He wished United States senators to serve without salary, and that body to represent the property interests of the country. During one of the sessions of the convention, Pinckney said he had himself prejudices against the Eastern states before this, but must acknowledge that he had found their representatives as liberal and candid as any men whatever. This honest confession of one of the most eminent of American statesmen shows the educating development of the convention upon its members, and teaches a lesson that should be cherished. The contact and communion of the people of the different states have ever taught the oneness of our people and the baseless foundation of sectional prejudices.

JOHN RUTLEDGE was born in Ireland in 1739, and died July 30, 1800.

After a liberal classical education, he was prepared for the bar at the Temple, London. He served in the "Stamp Act Congress," and the Continental Congress, and was considered the greatest orator in that body.

He was chairman of the committee that framed the constitution of South Carolina in 1776; was president of its new government, and was commander-in-chief of its military forces. He was chosen chancellor, and then chief-justice of the supreme court of South Carolina. Washington appointed him an associate justice of the supreme court of the United States, and nominated him

for chief justice of that court, but his mind began to fail and the senate did not confirm the nomination.

From Georgia

ABRAHAM BALDWIN was born in Connecticut, November 6, 1754, and died March 4, 1807.

He was a graduate of Yale and a chaplain in the Revolutionary army until the close of the war. At the instance of General Nathaniel Greene, he removed to Georgia, where he became a member of the state legislature, and the founder and president of the University of Georgia. Georgia sent him to the Continental Congress, or rather, the Congress of the Confederation, to the house of representatives of the United States, and to the United States senate, of which he was elected president. He was universally revered for his profound piety and great learning. When the convention was on the verge of dissolution over the question of the equal representation of the states in both houses of congress, and the compromise was proposed to give the states equality of representation in the senate and according to population in the house, it was the vote of Mr. Baldwin that carried the proposition. Says Fiske: "His state was the last to vote, and the house was hushed in anxious expectation, when this brave and wise young man yielded his private conviction to what he saw to be the paramount necessity of keeping the convention together. All honor to his memory!"

At the close of Baldwin's illustrious career, and while he was holding the position of president of the United States senate, the poet, Joel Barlow, wrote of him: "The annals of our country have rarely been adorned with a character more venerable or a life more useful than that of Abraham Baldwin."

WILLIAM FEW was born in Maryland, June 8, 1748, and died July 16, 1828.

He was a member of the Georgia legislature and the governor's council, judge of the court of common pleas, judge of the circuit court, and presiding judge of the county court, successively. He was one of the first trustees of the University of Georgia, a member of the convention that framed the constitution for that state, a delegate to the Continental Congress, and one of Georgia's first United States senators. He held almost every office in the gift of the people of that state, except that of governor, his life being one of continued public service. He removed to New York, became a member of the legislature of that state, and took active and influential parts in the building of the Erie Canal and the promotion of education throughout the state. His excellent judgment, extended information, and irreproachable character endeared his memory to the people of the two great states which he served so well.

WILLIAM HOUSTON was born in Georgia about the year 1750.

Only scant records exist of his career. He graduated at law at the Inner Temple, London, England, in 1776; was a prominent member of the Georgia bar; was one of the commissioners of that state to settle the boundaries between it and South Carolina; was an original trustee of the University of Georgia; was a delegate from the state to the Continental Congress, and was a vice-president of the Society of the Cincinnati. Imperative business called him from the Constitutional Convention and prevented him from signing the constitution to which he gave such hearty support.

WILLIAM PIERCE was born in Georgia in 1740, and died December 10, 1789.

He was a merchant in Savannah. He took an active part in the Revolutionary War, rose to the rank of major, and was for a while an aide-de-camp of General Greene. For gallantry at the battle of Eutaw he was presented with a sword by congress and was given a memorial of its complimentary resolution. He was a delegate to the Continental Congress. He was a man of liberal education and literary talent. Called to New York by pressing business, he failed to sign the constitution, but he wrote to his constituents in Georgia in warm advocacy of its ratification.

The influence and efforts of Baldwin, Few, Houston, and Pierce gave this "Empire State" of the South the honor of being one of the three states that unanimously ratified the constitution.

James Madison never missed a day's attendance upon the Constitutional Convention. No member gave a more diligent study to both measures and men. Of the members he wrote:

"I feel it my duty to express my profound and solemn conviction, derived from my intimate opportunity for observing and appreciating the views of the convention, individually and collectively, that there never was an assembly of men charged with a great and arduous trust, who were more pure in their motives, or more exclusively and anxiously devoted to the object committed to them, than were the members of the federal convention of 1787 to the object of devising and proposing a constitutional system which should best supply the defects which it was to replace, and best secure the permanent liberty and happiness of their country."

No more cultured, experienced, distinguished and able body of men ever joined in a united convention in the history of any nation. Every member of it, as but partially shown, had served in state or national positions

of trust and honor. There were men who had been honored by and had influenced, if not led, the culture of European courts; who had come into intimate and official contact with the most famous diplomats, statesmen, and monarchs in the adjustment of delicate and momentous matters of state. There were men who had braved the perils of the field in the battles that won our independence. There were men who had been judges, legislators, and educators in their colonies and states. There were men who had enjoyed the culture and learning of the best universities of the new and the old worlds. There were men who had been bred to the study of government, and whose lives had been crowded with the experiences that so rapidly educate in positions of great honor and responsibility. The past achievements of many were the prefaces to chapters of subsequent renown in the service of the new republic. All demonstrated the possession of marked ability, and the vast majority showed a purity of character that has additionally endeared their memories. There were no dreamers. They were practical men of practical experience, who appreciated to the fullest the momentous responsibility of the work at hand, and brought to it all the solemn earnestness of men striving to secure and establish forever principles for which they had devoted and risked their lives.

In all great American epochs, Providence has seemed to raise up men for the crisis. The great question of free government was at stake, and here, to preserve, to found it, were lavished the calmness of judicial learning, the fiery vigor of military ardor, the drilled capacity of successful financiering, the polish of professional attainment, the schooled finesse of diplomacy, the best culture and character of the country.

These men builded wiser than they knew. The Provi-

dence that the aged Franklin besought smiled upon them. Their work, they thought, did not meet the measure of their hopes, their intentions, their efforts. It was too near at hand to view its magnitude. It encountered opposition from some who had joined in it, but those who opposed it did so with as sincere a patriotism, as ardent a love of liberty and humanity as those who supported and secured its ratification by the people whom they represented. But under the plastic hands of great expounders, the value of this great work, its flexibility, its capacity to meet the growing needs and changed conditions of the most marvelous career in all the history of nations, has been a constant marvel.

The constitution has been and will be the study of the ages. It has been the guide, not only of this nation in its perilous career and unparalleled progress, but of every republic that has since overthrown a throne. Over seven hundred amendments have been proposed, but only fifteen adopted, and ten of those may be considered parts of the original. The constitution has grown in the reverence of the learned and the unlearned, as the sheet anchor of the liberties of a free people, whose strain is never felt, yet which holds their rights secure in every storm.

This is the estimate, not only of our own ablest countrymen, but of the most renowned students, statesmen, and historians of the age in other lands. Said England's great premier—her "Grand Old Man," William E. Gladstone:

"As far as I can see, the American constitution is the most wonderful work ever struck off at one time by the brain and purpose of man."

England's eminent historian, James Anthony Froude, says:

“The problem of how to combine a number of self-governing communities into a single commonwealth, which now lies before Englishmen, who desire a federation of the empire, has been solved, and solved completely, in the American Union. The bond which at the Declaration of Independence was looser than that which connects Australia and England, became strengthened by time and custom. The attempt to break it was successfully resisted by the sword, and the American Republic is, and is to continue, so far as reasonable foresight can anticipate, one and henceforth indissoluble.”

Well may we garland the names and memories of its framers with the everlasting homage of what promises to be the greatest nation the world has ever known! Well may we teach our children to emulate their virtues! Well may we make their histories familiar in every home, and their lives the examples of the citizens, native or foreign, who enjoy the blessings of the government they founded on such an enduring basis.

Their aim was an indivisible union of indivisible states, as the great Virginian, John Marshall, judicially held it to be. The indivisibility of the states has been conceded from the first. The indivisibility of the Union has been declared in judicial decisions, has been sealed in the blood of internal struggle, and has more and more become unquestioned for the future as being the life of the nation.

Each henceforth holds its lasting sphere—the United States supreme in its powers (powers that are limited, but the authority under them unlimited), and the states in their orbits around this central power sovereign in their domestic controls and supreme in their local concerns.

That constitution, holding in its strong embrace—its

everlasting grip—the rights of states and peoples that are common to all, that at the same time extends to each community the home rule that is cherished there and yet guarantees the general laws that each needs, let us now briefly consider, with the fixed purpose to make of it a life-long study.

CHAPTER XVI

THE CONSTITUTION OF THE UNITED STATES

PREAMBLE



WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

This preamble uttered a combined proclamation and prophecy, but more of prophecy than proclamation. As originally prepared, it read, "We, the people of the states of," naming all the states. The objection was made that some of the states might not adopt it. Rhode Island was not represented in the Constitutional Convention at all, and that state and North Carolina did not adopt the constitution until after the government had been organized and Washington was elected president.

The advocates of the league, or state supremacy theory, have made prominent the fact of the change in the preamble, and have strenuously contended that it was not intended by the convention. They say that the re-reference of the first draft to the "Committee on Style and Arrangement," was solely for revision as to the style of expression; and that Gouverneur Morris was allowed to do the revising, because that accomplished statesman was preëminent in the art of elegant diction. They argue that in this manner, without the intention of the

convention, the present wording of the preamble was reached.

If it were admitted that the change was made simply for the purpose of euphonious phrasing, it must also be admitted that with the growth of the national theory has grown the doctrine of the supremacy of the people, until none to-day denies that the constitution is not a mere compact between the states, but that it is the instrument of "We, the people of the United States." But, as we have seen, there were many other substantial changes made by that committee. They were made for an understood purpose, and with a definite and intended meaning. The members of that committee were adepts in the art of expression. They weighed well the use of every word, studied and counted upon its significance. They would not have sacrificed intention to euphony. None knew better than they that their work was too serious, too weighty for the mere polish of phraseology. That they knew what they meant, and meant what they said, is shown by the interpretation put upon those words by the leaders of both those who opposed and of those who favored the adoption of the constitution.

Messrs. Lansing and Yates, subsequently chief justices of the supreme court of New York, Luther Martin, the erratic but able attorney-general of Maryland, and the others who left the convention during its session, did so on the express ground that it was exceeding its authority when it attempted to go beyond the mere amendment of the Articles of Confederation, that made a mere compact between the states, and entered upon the construction of a constitution creating a government for the people of all the states as a unit.

Of the forty-two men who remained to the end, the three who refused to sign the constitution assigned as the

principal objection to affixing their signatures thereto the same reason that was given by Messrs. Lansing, Yates, and Martin.

Patrick Henry, in opposition, in the Virginia convention, said: "Have they said, 'We, the states?' Have they made a proposal of a compact between the states? If they had, this would be a confederation; it is otherwise most clearly a consolidated government. The question turns, sir, on that poor little thing, the expression, 'We, the people,' instead of 'The states of America.'"

William Samuel Johnson, the chairman of this committee on revision, in addressing the Connecticut convention, having discussed the difficulties attending, and the objections to legislating for states in their capacity as sovereign states, said: "They have, therefore, gone entirely upon new ground. They have formed one new nation out of individual states."

James Wilson, subsequently a justice of the supreme court of the United States, by common repute the ablest constitutional lawyer in the convention, advocating the adoption of the constitution before the Pennsylvania convention said: "This is not a government founded upon compact. It is founded upon the power of the people. This system is not a compact or a contract. The system tells you what it is; it is an ordinance and establishment of the people."

The supreme court of the United States, in one of its earliest decisions, when all was fresh in the minds of its living framers, and of its ratifiers said: "The constitution of the United States was ordained and established not by the states in their sovereign capacity, but emphatically, as the constitution declares, by 'The people of the United States.'"

Nor does the character, mental and moral, of the men

constituting that revision committee, warrant the belief that they would have delegated their supremely important work to any one man. The internal evidences of the constitution of this committee contradict this claim. It is far from the intent of this contention to abate one iota from the debt of regard due for the inestimable services and eminent qualifications of Gouverneur Morris. His splendid qualifications, his rare scholarship, his native and acquired abilities were of the highest order, and his aiding work entitled him to that prominent place in the galaxy of American greatness that will always be accorded him.

That committee was composed of William Samuel Johnson, chairman; James Madison, Gouverneur Morris, Alexander Hamilton, and Rufus King.

Mr. Johnson was a son of a college president; and was himself the president of the same college. He had his scholarship and literary skill recognized eleven years before by the conferring of the degree of D.C.L. by the University of Oxford, England. He won the admiration of England and America for his erudition. He was born and reared in the upper atmosphere of literary culture, was an eminent lawyer, and one of the foremost writers of his day.

James Madison had been the prime legislative mover for the constitution, and, aside from his part in that literary classic, the *Federalist*, shows by his immortal state papers, that he was one of the most forceful, finished, and prolific authors of that or any other period in our history.

Alexander Hamilton stands in universal estimation almost unrivaled in the art of composition. It needs not Thomas Jefferson's tribute, when he denounced Hamilton as "That veritable Colossus in artful wording" to establish Hamilton's reputation as a master mind in the phraseology

of constitutional construction. Then his constant, historic, and herculean efforts to bring about the construction and adoption of the constitution could not have permitted him to neglect or overlook the slightest part of his duty in this, the supreme purpose of his life. It must have stimulated his marvelous intellectual energies to the very utmost of their exertions in the final phrasing of this cherished instrument of his early hope and life-long devotion.

Rufus King had done all in his power to obstruct the meeting of this convention, but redeemed himself by his part in the construction of the constitution and its subsequent support. His conversion could have been brought about only by the most thoughtful consideration. This governor, senator, vice-president, minister so long to the cultured court of England, the author of that part of the ordinance of 1787, whose wording became the wording of the Thirteenth Amendment to the constitution in our own enlightened day; this man a Harvard graduate whose finished scholarship made him an ornament to the exalted stations he filled for nearly half a century, added his trained culture to this committee of born and bred intellectual capacity and mental achievement.

Such combination of scholarship did not need to, and could not have delegated its duty to any one superior to it. It represented and embodied the conflicting differences of opinion and sentiment of the convention whose proceedings had reached such an acute stage that dissolution with defeat of its object and purpose of assemblage was imminent. At such a critical juncture, every word in every clause of every provision was scanned with redoubled caution. The greatest efforts of the ablest were to allay all antagonisms, and by the most thoughtful compromise and concession to construct a constitution upon which all could unite. The committee of revision realized that it consti-

tuted the final committee for the final work of that convention. At a time of such moment, with issues so vital depending, not a member could have shirked or delegated a single duty.

More than that, the work of this committee was reported to the convention on September 12th, and it was debated with all the intense earnestness of a last opportunity until the 17th of September. This, and the other serious changes could not have escaped attention. On the 17th, the last change in the provisions, along the very lines of the change in the preamble, was made for the benefit and protection of the people. This was done by unanimous consent, on the only appeal that Washington publicly made during the entire proceedings. That was to increase the representation from the people from one to every forty thousand to one for every thirty thousand. He said:

"That although his situation had hitherto restrained him from offering his sentiments on questions pending in the House, and it might be thought, ought now to impose silence upon him, yet he could not forbear expressing his wish that the alteration proposed might take place. It was much to be desired that the objections to the plan recommended might be made as few as possible. The smallness of the proportion of Representatives had been considered by many members of the Convention, as an insufficient security for the rights and interests of *the people*. He acknowledged that it had always appeared to himself among the exceptionable parts of the plan, and late as was the present moment for admitting amendments, he thought this of so much consequence, that it would give him great satisfaction to see it adopted."¹

Washington was watching for the interests of the people. More and more, as the discussions in the convention progressed, were its members convinced of the importance of the people, the wisdom and necessity of

¹ Madison's Journal of the Federal Convention, ed. Scott, p. 744.

providing for the people, instead of merely for bodies politic. Their language and their provisions show that they were looking to and looking out for the people—that the wording of the preamble was intended; was in consonance with other parts of the constitution, wherein the people's rights and powers were placed, reserved and held above all others.

Still, they did not dream of the democracy of to-day; of the full import of the purposeful words used. Yet, they builded wiser than they knew. A higher wisdom, the wisdom of Him who created all on His foot-stool with equal inalienable rights was making them the instruments for the uplifting and disenthralment of humanity. An unseen Hand guided the pen, an unseen Eye was looking through that language adown the ages to time, when in its full fruition this government of the people, by the people, and for the people, should lead the nations of the earth to the universal brotherhood of a law-observing world—a world governed by the people who shall possess it.

The constitution made this national government, not a government of states and principalities; not a government of the rich and able; not a government of a few born to rule over their fellows, but the apotheosis of the peoples' power. The people are possessed with this idea. They will cling to it forever. Therein is its permanence assured. Nevertheless, they will cling with equal tenacity to the local, or state autonomy, that leaves to each distinct community the supreme control of its domestic affairs, and makes these states as sovereign in their reserved jurisdiction as if no sovereign nationality bound them in indissoluble unity. It is this complex, yet composite system that makes, alike supreme, national, and home rule.

The first two clauses of Section 10, of the 1st Article, Section 2 of Article 6, the Ninth Amendment, and the Tenth Amendment settle all question as to the supremacy of the national government; the inability of the states to compact or confederate with each other, independent of or against that government; the derivation from and obligation to the people of the government, and the recognized supreme rights and powers of the people thereunder. These clauses show beyond contravention the intended significance of the words, "We, the people of the United States."

LEGISLATIVE DEPARTMENT

ARTICLE I.—SECTION 1

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Legislative power is the power to make laws. While members of both houses are congressmen, and are paid the same salary, it is the custom to call members of the house of representatives "congressmen," though their proper title is "representatives." In the same way, the two bodies are designated as "house," and "senate." The experience of England, as well as of the colonies, induced the change from the one house of the confederation to the two houses of the United States. It is more difficult to corrupt or manipulate two houses than one. Each is a check upon the other. They insure more mature and reflective consideration of laws than one house would give. The experience of the civilized world has demonstrated the many advantages of legislation by two houses, and having the houses composed of different classes of men, with different terms, or periods of office, and with some of their duties and responsibilities entirely different.

SECTION 2

[*Clause 1.*] The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

In every nation where two legislative bodies exist, as in ours, the lower and larger house is considered the house of the people. The term of office provided in the constitution is not long enough for the representative to lose the feeling of responsibility to his constituents, and enables the people to make early changes, if desired. If the representative is satisfactory, he can be kept in office; if not, he can be soon replaced.

At the time of the adoption of the constitution almost every state required a property qualification for the voter. In some this was graded. The voter had to possess a certain amount of property to vote for governor; a smaller amount to vote for a member of the council, or upper house of the legislature; and a less amount to vote for a member of the lower house of the legislature. Therefore, to give the largest number of the people a voice in their government, this provision was adopted.

[*Clause 2.*] No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Naturalized as well as native citizens are eligible to congress. This provision requires citizenship long enough to become acquainted with the needs and character of our government, and an age that should have gained some experience fitting for legislation. It leaves to the states to decide how long one must have been a resident in each to be eligible for office.

It is the custom to divide the states into congressional districts, and to elect a resident of each district to represent that district in congress, but it would be lawful to elect a resident of one part of a state to represent a district in another part, as, for instance, a resident of Cairo, Illinois, might be elected to represent a district in Chicago.

[*Clause 3.*] Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative: and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four, Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

The "three-fifths of all other persons" mentioned in the first sentence meant slaves. The framers of the constitution were unwilling to have that word in the constitution. The majority of them, and especially those from what was then the largest and most influential state, Virginia, desired slavery's gradual abolition. While not a member of the Constitutional Convention, Thomas Jefferson was a great leader in political thought, and he said, "There is nothing more certainly written in the book of fate, than that some day these people will be free," and one proposed clause of the Declaration of Independence

written by him, denounced the fostering of the slave trade, but it was stricken out.

This counting of only three-fifths of all slaves has been changed by the abolition of slavery, and by the second clause of the Fourteenth Amendment. Representation is now based upon, not the number of voters, but the entire population—men, women, and children—excluding only Indians not taxed.

While a greater representation than one for every thirty thousand of the population cannot be had, each state *must* have at least one representative. This is why some of the smaller states have but one representative, and two senators.

But few direct taxes, and those only in time of war, have ever been laid by the national government, but when laid, have been, and always must be laid so as to make the burden equal on all the people, regardless of state lines. This is one of the proofs of this being a national government, a government of the people and by the people, wherein there is an equality of support by the people whose government it is.

[*Clause 4.*] When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Notice the difference of the wording of this clause and the third clause of the next section. Representatives are elected "from" the states; senators, "for" the states. The former are especially the representatives of the people; the latter, especially of the states. It is typical of this complex, yet composite system of our government wherein, as the motto of the state of Illinois expresses it, "State Sovereignty—National Union," are inseparably interblended.

The governor of a state cannot fill a vacancy in the

representation for the people, as he can in the representation for the state. He can commission a senator to fill a vacancy, as will be shown, but not a representative. Nor is it left optional with him to fill such a vacancy. He *must* order an election. The people are entitled to representation, and it is made obligatory upon him to afford them the opportunity to be constantly represented.

[*Clause 5.*] The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

To preserve its independence it is necessary that the house of representatives should create, regulate, and control its own working machinery.

The speaker presides over the house, and has the exclusive power to appoint all of its committees. No member can address the house unless the speaker recognizes him; that is, calls him by name and gives him permission to address it.

His power of appointment of committees, and his liberty to recognize, or not recognize, members who wish to address the house, make him one of the most powerful, if not the most powerful, officer of our government. He is elected from and by the members of the house of representatives of each congress; that is, he is elected every two years. He enjoys the same salary as the vice-president, \$8,000 per year.

Impeachment is the written accusation charging some public offense by an executive, or judicial officer. It may be criminal, or simply political. Executive and judicial officers are removable only by impeachment. The house of representatives prefers these accusations in what are called articles of impeachment. It appoints a special committee to prepare and present these articles to the senate, and another special committee to prosecute the

offender when the senate sets a time for his trial thereunder.

SECTION 3

THE SENATE OF THE UNITED STATES

[*Clause 1.*] The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote.

It was considered that the legislature would be better acquainted with the necessary qualifications for this high office than the people at large. The senate was designed to represent, not merely the states, but the property interests of the country—to stand as a shield between property and populace. It stands for the equality of the states, yet they vote as individuals, as representatives of the whole people.

Many of the duties of the senate, as will be seen, necessitate a longer term of office than that of representative, and besides the senate was intended to be a permanent body. The entire house of representatives could be changed every two years, leaving no one in the new house familiar with its mode of legislation from practical experience. This the term and manner of electing senators prevent.

[*Clause 2.*] Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

So fearful were the framers of the constitution of long terms of office and of the natural tendency to despotic rule engendered thereby, that they provided that one-third of the senate could be changed every two years, yet so done as to retain tried experience at all times. This gives the people an opportunity to change, yet prevents impulsive action on their part.

The senator, in an especial sense, being regarded as the representative of the state, the governor is empowered to fill vacancies while the legislature is not in session, but he is not compelled to do so. If he does, the commission of the senator expires as soon as the legislature meets.

[*Clause 3.*] No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The senate being designed to be a more stable and conservative body than the house, a greater age and period of residence is required for a senator than for a representative. The word "senator" means older. The purpose was to compose the senate of the ablest, most experienced statesmen in the country. Its great men have justified the hope and expectation of the framers.

[*Clause 4.*] The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

Not being a member of the senate, or elected to legislate, to give the vice-president a vote would give one state three votes, instead of two; give that state an unfair advantage, and would be unfair to the people who choose our national legislators. Yet, as the senate will always be composed of an even number of senators, the probability of being evenly divided upon important questions was very great, and, therefore, the vice-president was empow-

ered to break the deadlock by giving the deciding vote on such occasions.

[*Clause 5.*] The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

This gives the senate the same independence as to its machinery for action as the house of representatives. It is now customary for the vice-president to retire for a short while at the first session of every congress, and for the senate then to elect a president *pro tempore* who, for the next two years, presides in the absence or disability of the vice-president.

[*Clause 6.*] The Senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

At such times it acts as both judge and jury, and like them is put under oath or affirmation. The interest of the vice-president, he being the lawful successor, if the president be convicted, precludes his sitting as an impartial officer and, therefore, the highest judicial officer in the country who can have no possible interest in the result, so far as promotion personally is concerned, is chosen to preside over this august tribunal. While the verdict must not be unanimous, as with juries, partisan action is guarded against by requiring a two-thirds vote to convict.

[*Clause 7.*] Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless

be liable and subject to indictment, trial, judgment, and punishment, according to law.

Since impeachment relates solely to unfitness for official duties, the great right of trial by jury for crimes is preserved. No right has ever been regarded more sacred by the Anglo-Saxon than the right of trial by jury. Edmund Burke said the great end of government was to get twelve honest men in a jury box.

The judgment of the senate can only have political effect, and extend to removal from and disability to enjoy any office. But if the offense should be a crime, as murder, which would make the perpetrator an unfit person to hold office, he could be removed, and still indicted, tried, and convicted, as any other malefactor.

The object was manifestly to enable unfit and arbitrary officers to be removed from and kept out of the public service, yet not to allow a legislative conviction to deprive one of life or liberty; and, on the other hand, not to bar the state from visiting just punishment for criminal offenses, after giving the citizen the fundamental right of a jury trial therefor.

SECTION 4

BOTH HOUSES

[*Clause 1.*] The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

Each state is left to maintain its representation in the national legislature as it deems best, but for self-preservation the congress can arrange for its being kept up, if a state becomes refractory and refuses to send representatives, or its governing officers refuse to give the people an

opportunity to select them. The offense to the dignity of the state is avoided in the disability of congress to choose any other place than that chosen by the state for the election of senators. Except as to that, the congress can make or revise the laws that the several states make for such elections.

[*Clause 2.*] The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Taught by history how despotic monarchs had often prevented the assembling of legislatures, and had forced their arbitrary dissolution when assembled, and remembering their own grievous experience under British rule, the framers could only adopt this imperative rule for annual sessions of congress. Under it, our president cannot prevent the assembling of congress, and he has no power to dissolve it. This clause makes certain the perpetual rule of the people.

The same day of assembling is yet preserved, but congress can change that day at any time. It cannot change the obligation for annual assembling.

SECTION 5

THE HOUSES SEPARATELY

[*Clause 1.*] Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

This is a still further provision for the independence of the congress, and of each house thereof. No other department of the government is allowed to pass upon the elections, returns, and qualifications of the members of

either house, nor can either house interfere with the other in that regard.

A quorum is that number of the members of a body required to be present to enable it to transact business. This clause prevents a minority from legislating, yet enables that minority to compel the work and duty of legislation by compelling members to attend, and punishing them for failure to perform their official duties.

[*Clause 2.*] Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

This is a plain and simple provision whereby decorum can be preserved, and unfit members be ousted. This, too, is an essential part of the independence of both houses. No court can be called upon to reverse the action of either house in such cases. Requiring the concurrence of two-thirds to expel a member is a good precaution against partisan action.

The method of procedure in the two houses is alike in many respects, yet radically different in others.

The speaker is the absolute master in the appointment of committees in the house; and prolonged debate can be prevented there by moving the previous question.

The senate forms its own committees, and the vice-president simply announces them. He has no voice in or control over the appointment of committees.

The previous question is never moved in the senate; any member can debate a question as long as he wishes. There have been many instances where a single senator has coerced the senate into voting for some pet measure in order to stop his oratory and proceed to consider important general measures.

[*Clause 3.*] Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts

as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

This is not only an historic necessity, but is designed for the information of the people. It is their supreme and most important right to know precisely what their representatives are doing. A small number can require every member to go on record, so that one cannot vote for a vicious measure and conceal it from the people. Only the proceedings of executive sessions can be kept secret, and no legislation is done in such sessions.

[*Clause 4.*] Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

This prevents either house from hindering legislation on account of taking umbrage at the action of the other, and compels all legislation at the one place.

SECTION 6

PRIVILEGES AND DISABILITIES OF MEMBERS OF CONGRESS

[*Clause 1.*] The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Congress fixes the salaries of its own members. No limit is put upon this power. Its exercise is left to the honor and discretion of the congress. The members are not left dependent on the states, as by the Articles of

Confederation. They are national officers, and made independent of the states. This is another proof of the national character of our government. Paying their salaries, the national government can secure the services of the poor as well as of the rich. The national government as well as the people being entitled to their services, only the commission of the serious offences named can subject them to arrest. For the same reason, their salaries cannot be attached or garnisheed for debt.

The needs of legislation demand plain speech in many instances, and no member can ever be sued for what he says in any speech or debate in either house. The government secures his independence by clothing him with absolute immunity from question in any other place, except in the house of which he is a member.

[*Clause 2.*] No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

This is done to prevent members of congress from creating new and lucrative offices for their own benefit; or adding to the emoluments of one they have prospect or promises of succeeding to.

The duties of this one exalted place of honor are enough to tax the physical and mental energies of the ablest, and they are compelled to give those duties their undivided attention. Then, too, if able to hold more than the one office, their very positions would offer undue opportunities to the unscrupulous. The people and the government demand unselfish as well as independent action on the part of their lawmakers.

SECTION 7

[*Clause 1.*] All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

In England, the house of lords, their upper house, cannot amend a bill for raising revenue; that is the exclusive prerogative of the house of the people there. Our system is more generous with our upper house. The power of amendment makes the provision practically useless.

[*Clause 2.*] Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

These provisions insure a triple examination of all laws. First, by the house where the law, or measure, originates;

then, by the other house; then, by the thoughtful consideration of the president.

His disapproval is termed a veto. Out of respect for his mature and intelligent judgment, two-thirds of both houses must concur to pass a measure over his veto. If he is opposed to the measure, yet averse to exercising this serious prerogative, he can let the measure become a law without his approval, unless congress, by its adjournment, prevents its return within the ten days named.

Where political parties are nearly equal, this puts a formidable power in the hands of the president. But he cannot exercise that power without giving his written reasons therefor, which, as seen, must be made a matter of permanent and public record, and thereby make his conduct subject to historic judgment.

SECTION 8

POWERS EXPRESSLY GIVEN TO CONGRESS

Powers are of two classes—express and implied. The former, those named in express terms; the latter, what the common law and judicial decisions have settled as a necessary part to enable these express powers to be made effective, but not named in the wording of the express powers granted.

The Articles of Confederation distinctly denied all implied powers to the national organization, and reserved to the states all powers not expressly granted to that organization. This was one of its principal defects.

[*Clause 1.*] The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

This power is an essential of any government. Gov-

ernments can no more live without money than individuals, and can only raise it in the manner prescribed, or by force, and without regard to law. Taxes are an assessment upon the person, called a capitation tax, or upon property and are the share the person and owner should contribute to pay the expenses of the government. Duties and imposts are about the same; are what must be paid on goods and merchandise brought into a country, or shipped from it. Excises are assessments on certain articles of home manufacture, such as liquors and tobacco, and for special necessity in time of emergency, as war, licenses, stamps on documents, merchandise, etc.

The government must raise this money for but two distinct, but very broad, purposes—the common defense and general welfare. Nor can it make these different in different states; they must be uniform, that is, the same throughout the whole country.

[*Clause 2.*] To borrow money on the credit of the United States.

But for this power all money for public buildings and other improvements; for immediate, or extraordinary expenses, as for war; indeed, for every purpose would have to be raised by immediate taxation. It is not just that one generation should pay for what is to be enjoyed and be for the benefit of future generations, and in this way the burden can be distributed so as to oppress none. Experience has shown this power to be an essential of every government, and as every useful power, to be liable to abuse, and to be carefully watched.

It is an international law, that every succeeding government, whether peaceful or revolutionary, must assume and pay the debts of its predecessor.

[*Clause 3.*] To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

The constitution contains no more important provision than this. Under it, tariffs for revenue or protection are laid; privileges given the American ship-owner over the ship-owner of a foreign country; our foreign commerce regulated and protected; and our interstate commerce given the security and freedom it enjoys.

Our history shows how each state, during the confederation, regulating commerce for itself with foreign nations, and against every other state wrecked both our foreign and internal trade, and was fast dragging the states to the verge of war with each other.

Suppose every train, ship, or boat had to stop at every state line, give an account of its passengers and freight, and a duty had to be paid on all merchandise before it could enter the adjoining state, what a ruinous effect it would have on the business of this country! So, too, if each state had to protect its own commerce with foreign nations, how powerless to protect its people engaged in trade against the powerful nations abroad, and what confusion in the different tariffs adopted!

As long as a railroad, or any system of transportation is kept within the state line, the national government has no control, whatever, over it, but once it passes that line into another state it becomes interstate commerce, and the national government can both regulate passenger and freight rates, make them equal for every traveler and shipper, and prevent any hindrance to their ready and safe transit.

If a foreign nation interferes with or oppresses the commerce of any state, or lays hostile tariffs against articles produced or manufactured in that state and sent abroad, the national government can make retaliatory tariffs against such articles coming from that country to this, and will see that the American merchantman is

done justice there. All our reciprocity and other commercial treaties come under this clause. It empowers the interstate commerce act, yet in its infancy, but one of the most important and far-reaching laws known to recent legislation.

The Indian tribes are considered the wards of the nation, and, therefore, belong to its especial care and control.

[*Clause 4.*] To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

It will be seen, that, by the Fourteenth Amendment, the constitution declares what has always been the right of the national government under that constitution to make citizens. It has no power to make voters. That power belongs, exclusively, to the states, and but one prohibition is put upon it, as will be shown.

When a foreigner becomes naturalized, he renounces all allegiance to his native land, and becomes a citizen of this, with all the rights of a native-born citizen, except to hold the office of president or vice-president. He is then entitled to the same protection, even if he return to his native land, as a native-born American. He must be protected by the national government in the enjoyment of the same privileges and immunities in every state that he enjoys in the state where he lives. A uniform rule of naturalization is, therefore, a national necessity.

So, uniform rules on the subject of bankruptcies prevent any state, by its special and peculiar insolvent law, from giving a preference to the creditors of that state over creditors in another state, when a man fails and his property should be apportioned to pay all alike.

[*Clause 5.*] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

[*Clause 6.*] To provide for the punishment of counterfeiting the securities and current coin of the United States.

If each state could coin money, or regulate the value thereof and of foreign coin, we would have as many different kinds of coin and values as there are states. As to weights and measures, there might be the same confusion. The currency of uniform value that we enjoy in every state, and its standard with the nations of the whole earth, attest the efficiency of this power. The business of the country simply could not endure a diverse, or different system, either as to money, or weights and measures.

Power to punish the counterfeiting thereof follows as a necessary sequence. It is unlawful to print, or even to paint on a board a *fac simile* of the currency of the United States.

[*Clause 7.*] To establish post-offices and post-roads.

To this is due the most efficient and economical postal system in the world.

[*Clause 8.*] To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

Under this, laws have been enacted giving to authors a copyright, whereby they have the exclusive right to publish and sell their productions for twenty-eight years, with the privilege of the renewal of such right by the author, his widow, or children for fourteen years more.

Patents are letters issued to inventors. They give the exclusive right to make and sell the patented article for seventeen years. There is no privilege of renewal of a patent.

This great constitutional power has made this the

greatest inventive and manufacturing, as well as the greatest literary nation on the globe.

[*Clause 9.*] To constitute tribunals inferior to the Supreme Court.

This empowers congress, not only to establish judicial tribunals, but semi-judicial, such as boards of arbitration, to settle controversies.

[*Clause 10.*] To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

By "high seas" is meant the uninclosed waters of the ocean below low water mark. Beyond low water mark no state has jurisdiction, and the national government must be responsible to foreign governments for the acts of our citizens. Unless it could punish its citizens for felonies thereon, crimes could be committed on the high seas with impunity.

[*Clause 11.*] To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

The president cannot, as kings can, declare war. That solemn act is the exclusive prerogative of congress.

Letters of marque and reprisal are written authority from a nation to its citizens to take the vessels of another nation, or of the citizens of another nation. These letters may be issued when war does not exist between the two nations, as indemnity for the people injured by the offending citizens of the other nation. Such taking and appropriating of the private property of citizens of a foreign power as indemnity for the wrongs of their fellow-citizens with which they have had nothing to do, is happily growing into disuse, and being condemned by the world powers.

[*Clause 12.*] To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

This is a nation of peace. This is intended that the people may end a war to which they are opposed, by returning a congress that will refuse money to maintain it. No appropriation, even for our regular army, can be made for a longer period than two years.

[*Clause 13.*] To provide and maintain a navy.

As it takes much time to build a navy, appropriations therefor may be for a longer period, for an indefinite period.

[*Clause 14.*] To make rules for the government and regulation of the land and naval forces.

As both are under the control of the national government, this necessity naturally follows.

[*Clause 15.*] To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

[*Clause 16.*] To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

The maintenance of the state militia enables this country to keep up the smallest standing army of any of the world powers. It is smaller, even, than the standing army of Mexico.

By having uniform rules and discipline, in event of war a large body of disciplined troops can soon be put in the field. The troops from every state would be familiar with the universal regulations. History shows that nothing is more dangerous to itself than an undisciplined army.

To develop state ability and state independence, it is

left to the states to train and officer the militia under the rules prescribed by congress.

The supreme court has decided that it is the province of the president to decide when a necessity exists to call forth the militia to "execute the laws of the Union, suppress insurrections, and repel invasions," not of the state authorities.

[*Clause 17.*] To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

This gives congress exclusive legislation over the District of Columbia. All of the municipal affairs of the city of Washington are conducted under the authority of the congress.

In the same manner, all of the national forts, military reservations, buildings, etc., are as much under the exclusive control of congress as if not located in the state where they are.

[*Clause 18.*] And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

No broader clause exists in the constitution, or one that has evoked more debate. Under it was chartered the first national bank in our history, during the administration of Washington. The question of the constitutionality of establishing such bank divided his cabinet. Hamilton and Knox, respectively secretaries of the treasury and war, favored it; and Jefferson and Ran-

dolph, respectively secretary of state and attorney-general, opposed it.

The present system of national banks was organized under this authority. So also were what are known as "greenbacks," the currency of the United States, made legal tenders.

It will be seen that the states are prohibited from making anything but gold and silver a legal tender, but no such positive prohibition exists as to congress. The constitutionality of making "greenbacks" a legal tender divided the supreme court, and the question provoked much feeling in the country.

It is important to know that national bank notes are not a legal tender. If there is a dispute about a debt and the debtor tenders what he considers due, and the creditor sues, but recovers no more than the amount tendered, he must pay all the costs of the suit. So it may become necessary to tender the amount agreed to be paid for land, or merchandise, to enable the purchaser to enforce the trade. This tender must be made in either "greenbacks," gold, or silver, or there will be no lawful tender.

This clause confirms every implied power that custom, usage, or judicial decisions establish as belonging to the foregoing express powers granted to congress.

SECTION 9

POWERS DENIED TO THE UNITED STATES

Great as this government is, it is not one of unlimited powers. There are rights of the citizen and of the people, some of them fundamental in their nature, others based upon public policy, that are enthroned above the powers of the government itself.

The principal purpose of a constitution is to protect

the people, not merely from the tyranny of those selected to rule over and make laws for them, but the most dangerous and heartless of all tyrannies—the tyranny of the majority. This is transient, impulsive, and partisan. The people—even the humblest of our citizens—have rights which are permanent, immutable, which belong as much to the minority—to one person—as to the majority. To make such rights absolutely secure, they are embodied in the constitution, the bounds of which must not, cannot be transgressed.

Therefore, our constitution makes our national government a government of limited powers; of powers expressly granted, and necessarily implied therefrom, to give those express powers complete efficiency. The powers granted are unlimited in their authority, but other powers cannot be exercised. To make these denied powers more definite, certain powers are specifically named; certain other powers are specifically denied, both to the United States and to the states; and certain inalienable and other rights of the people are specifically stated, which all history teaches have been habitually violated by despotic and powerful rulers, and even by chosen representatives of the people. These the constitution puts above the national and state governments, and makes inviolably sacred.

To perpetuate the personal rights of the citizen in amplest security; to prevent an unequal burden of taxation being placed upon any shoulder; to develop the production of soil and skill beyond the needs of home consumption, and give the readiest disposition of the surplus abroad; to promote the internal trade and commerce of the country, and forever remove any obstruction thereto; to insure the honest and known disbursement of all public money; to preserve the universal equality of the people, and prevent any official being influenced by any

foreign power or potentate; these powers are expressly denied to the United States.

[*Clause 1.*] The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

This related to slavery and the slave trade, forever abolished.

[*Clause 2.*] The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

In all Anglo-Saxon history, no writ is held in higher regard. This writ is an order of court directed to the person detaining another commanding him to produce the body of the prisoner at a certain time and place, with the date that the prisoner was taken, and the reasons for his detention, and to obey what the court issuing the writ may order with regard to that prisoner. It prevents the arbitrary imprisonment of any one, and enables one unjustly restrained to regain his liberty. Heavy penalties are imposed by the national and every state government upon any officer or person disobeying this writ.

[*Clause 3.*] No bill of attainder or ex-post-facto law shall be passed.

A bill of attainder is an act of legislation; it is passing a bill by some legislative body declaring one to be guilty of some crime, without a hearing being accorded him, and despoiling him of life, liberty, or property as a penalty. In some cases in English history, this penalty was visited upon the heirs of the victim, and they were rendered incapable of inheritance. No legislature in this country can ever thus convict and punish any one.

An ex-post-facto law is one which in its operation makes that a crime, or penalty which was not so at the time that the act was done; or which increases the punishment, or, in short, which in relation to the offense or its consequences alters the situation of a party to his disadvantage. It has no application to civil matters; is confined to criminal and penal proceedings; is a retroactive criminal law. It is, for many reasons, to be regretted that all retroactive legislation was not prohibited, but it was not. Such legislation in civil affairs has often been indulged, and held to be constitutional.

[*Clause 4.*] No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

This forever equalizes the burden of taxation upon all of the people. The ingenuity of owners of property enables them to escape much of the intent of the provision, but that is a matter of administration; is the fault of the execution of the laws. Happily our national government is comparatively unknown in the realm of taxation.

[*Clause 5.*] No tax or duty shall be laid on articles exported from any state.

This gives the greatest stimulus, the largest liberty to the energies of a producing and manufacturing people, who are fast accomplishing the commercial conquest of the world.

[*Clause 6.*] No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

This fosters the generous rivalry of all, and leaves trade supremacy to the activity of the energetic. To "enter"

is to report the arrival of the vessel at the custom house, and give to the officials in charge a writing called a manifest, containing a list of all merchandise the ship contains, and get permission to deliver the same. To "clear," is to furnish a similar list to such officials, and get permission to sail. Railroads were unknown then; ships and wagons the only method of transportation. This provision enables our various systems of modern transportation to disregard state lines in all internal commerce and trade.

[*Clause 7.*] No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Before any money can be paid out of the treasury of the United States, a bill must be enacted by congress stating the amount of money and the specific purpose for which it is to be paid, and a statement of every item of receipts and expenditures published within a reasonable time in order that the whole country may know how every cent of its money is raised and expended. The constitution believes in the policy of watching an honest government.

[*Clause 8.*] No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

No title of nobility can ever be granted for distinguished services, even for saving the nation. Our gratitude must be expressed in another way. The grandest title in this country is the American citizen. Kings, princes, and foreign states are made powerless to put our officials under any obligation. The president could not accept of a book

or a picture from such source, unless a special act of congress permitted him to. The same is true with any of our foreign ministers, consuls, or officers at home.

SECTION 10

POWERS DENIED TO THE STATES

To preserve the harmony of national action in regard thereto, as well as to protect the citizen, certain powers are specifically denied to the states. Outside of these denied powers, and the powers conferred exclusively upon the national government, the states legislate as independently of the national government as if it had no existence. This is what is called the sovereignty of the states.

[*Clause 1.*] No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money · emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, or grant any title of nobility.

The observance of this and the third clause of this section would have prevented our civil war.

The prohibition to pass any law impairing the obligation of contracts is one of the greatest, if not the greatest, of the protections that the constitution gives to the business interests of the country. It provoked no debate in the convention, and is but twice mentioned in the *Federalist*, but has furnished the theater for some of the ablest legal arguments known in our history, notably that of Daniel Webster in what is called the Dartmouth College case, and has been far-reaching in its favorable results.

A charter granted by a state to an educational corporation, or one for business, or for whatever purpose, is held to be a contract that the state can neither revoke, change, or impair.

If a man agrees to pay ten per cent per annum interest for money, and such rate is legal when he makes that contract, but the legal rate is reduced to six per cent per annum by a subsequent law of the legislature, this does not absolve the obligated party from paying that ten per cent interest. Neither can any change be made in the law whereby the enforcement of the collection of the debt is in any way lessened. This clause keeps the states from any treaty with a foreign power, and confines them to domestic legislation. While a state cannot emit bills of credit, it can issue bonds in payment of its debts or to raise funds for public improvements. The other prohibited evils have been discussed in the prohibition of powers to congress.

[*Clause 2.*] No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

Inspection laws are enacted for moral and sanitary reasons. They enable the state to cause the inspection of cattle, foodstuffs, and merchandise imported into, or exported from a state to prevent the people from being imposed upon by articles of spurious manufacture; to prevent the contagious diseases of cattle being spread; to prevent adulteration of foods or other merchandise; and to insure the traffic in honestly-made and wholesome articles. The state can charge such duties and imposts as may be necessary to pay the expenses of such useful provision, but cannot make any profit out of it, or develop it into a sort of interstate tariff to protect its own citizens.

[*Clause 3.*] No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships-of-war, in time

of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Tonnage is the number of tons of merchandise that a ship can carry. A duty of tonnage is a tax of so much per ton on the quantity that the ship is able to carry. This prohibition is to promote interstate commerce. The same thing would apply to a freight train as to ships. It simply obliterates state lines in the trade and traffic of the country, makes us one commercial as well as political body politic. The result has been a home trade such as no other nation enjoys; an internal prosperity that has made this the richest nation in existence.

To prevent any one state involving the country in war with a foreign power; to insure domestic peace; to bar any attempt to break the Union; keeping the very implements of war—troops and ships-of-war—in times of peace is forbidden. The wisdom in prohibiting the maintenance of the means that would tempt to strife and promote rebellion is shown in these provisions, and the further positive prohibition that “no state shall enter into any agreement or compact with another state or with a foreign power.”

These are all the exclusive prerogatives that, entering into the supreme domain of the Union by the adoption of the constitution, the states and the people forever surrendered to the national government. Obedience to this one clause will forever banish internal struggle. At the same time, the emergency of actual invasion, or such imminent danger thereof as will not admit of delays, is provided for. These are the only exceptions to this established rule. The very language used, the word “invasion,” shows that hostile action by a foreign power is meant, not such action by one state against another.

The significance of this language, the supremacy of the national authority, is additionally emphasized by the Fourth Amendment to the constitution, which will be subsequently considered.

ARTICLE II

EXECUTIVE DEPARTMENT—PRESIDENT AND VICE-PRESIDENT

SECTION 1

[*Clause 1.*] The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected, as follows:

The president and vice-president can be reëlected as often as the people wish. Washington's example in refusing a third term has promoted the public sentiment against more than two terms for this exalted office.

The president's term is put midway between that of representatives and senators. During that term the house of representatives could be wholly changed twice, and two-thirds of the senate changed. This gives the people opportunity to elect enough members of both houses to control a president whose conduct did not justify impeachment, yet was obnoxious to them. It is too brief a period to establish the executive tyranny feared in that early day.

[*Clause 2.*] Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

At the time the constitution went into effect, these

electors were chosen in some states by the legislature, in some by the people in special districts. In 1876 Colorado chose them by her legislature. They are now elected at large in some of the states, so that a bare majority would carry the electoral vote of the whole state. The people have nothing to do, directly, with the election of their president. His election could be made even more indirect than it is. That is, the legislatures could elect the electors, the electors elect the president. It was intended and supposed that the ablest, best acquainted, and most unselfish men in the country would be chosen electors, and that they would make a wiser selection than the people at large.

Any citizen, native or naturalized, is eligible, except the office-holders named. This was done to prevent that official influence then considered the most dangerous influence known. The body of electors are termed "the electoral college." It has turned out to be the only useless piece of constitutional machinery, if not a dangerous one; its practical working wholly different from intention and expectation.

It is said in the *Federalist* (No. 67) that this was the only clause of the constitution that not only escaped criticism, but evoked compliment. That it provided for the choice of the people by men selected for this sole and special purpose, who could not be influenced as could a preëstablished body. That they would be "most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation. That it would afford as little opportunity as possible to tumult and disorder. That, not being at the time public officials, there would be no opportunity to trade favors for votes, and the election must be free from intrigue, independent and calmly judicious."

Not one of the anticipated advantages has been realized. Office-holders do more to dictate the nominations than all others combined. There is no deliberate, judicious selection by the electors. The election is so full of tumult and excitement that every business interest dreads the presidential year. Above all, this solemn, greatest choice of the nation is confided to any sort of hap-hazard selection of men who are expected to abandon any and all personal judgment, and cast their votes as their party prompts.

THE FIRST METHOD OF ELECTION

[*Clause 3.*] The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.

It will be noticed that the constitution, as originally drawn, prescribed no qualifications for the vice-president. No one was voted for for vice-president. All were voted for as president, the one having the largest number of votes being elected president; the one having the next largest number being elected vice-president. So that only qualifications for the president were provided for in the fifth clause.

The weakness of this method was demonstrated in the third election for president, when John Adams was elected president, and Thomas Jefferson, a leader in opposition to the very policy President Adams stood for, was elected vice-president. This was accentuated in the next election, when Thomas Jefferson and Aaron Burr had an even number of electoral votes, but not a majority of all, and, in consequence, the election was thrown into the house of representatives. Then, as now, when such is the case, the vote is by states, each state having one vote, the majority of the representatives from each state deciding the vote thereof. A bitter struggle ensued. Sick members were brought in on cots to vote. At last, Jefferson was elected by one vote, and Burr became vice-president. This brought about the Twelfth Amendment, whereby the president and vice-president are to be voted for separately, and the foregoing clause was made obsolete.

This amendment passed the house of representatives in 1802, but was twice defeated in the senate. It came up again in 1803, when it passed in the senate, eighty-two to ten votes. In the house of representatives the vote stood eighty-four to forty-two, the speaker, Mr. Macon, voting in its favor made the bare two-thirds vote necessary to submit the amendment for ratification to the states, which ratified it, seventeen states voting in favor thereof, and four against it.

PRESENT METHOD OF ELECTING PRESIDENT AND
VICE-PRESIDENT

ARTICLE XII

The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate;—the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of

president shall be eligible to that of vice-president of the United States.

This election is now conducted as follows: These electors are elected at what we call the presidential election, on the Tuesday after the first Monday in November every fourth year, preceding the expiration of the president's term of office. Those of each state meet therein, generally at the capital, and vote on the first Monday in the January following. They vote by ballot, naming in one ballot the person voted for as president, and in another distinct ballot the person voted for as vice-president. One of these must be a resident of a different state from the electors; that is, both president and vice-president cannot be from the same state. They then make three lists of all the persons voted for as president, and of all the persons voted for as vice-president, and of the number of votes for each. All of the electors then sign and certify to each of these lists, one of which is sent to the president of the senate by a special messenger, the electors choosing him by lot or ballot. Another list is sent to the president of the senate by mail. The third list is placed in the custody of the district judge of the district court of the United States, in whose district the vote is had, to be delivered by him to the secretary of state of the United States, in event neither of the other lists, or certificates of election, have been received by the president of the senate before the first Wednesday of the same January.

On the second Wednesday in the following February, the senate and the house of representatives meet in joint session, when, in their presence, the president of the senate opens the certificates and counts the votes. The person having the greatest number of votes for president is then declared to be the president, provided such number be a majority of the whole number of electors from all the

states. In a similar manner, the votes are counted for vice-president, and the person having the greatest number of votes for that office is declared to be the vice-president, provided such number be a majority of the whole number of the electors, as in the case of the president.

If no person have such majority, the two houses then dissolve their joint session, and each proceeds to conduct an election; the house of representatives for president, the senate for vice-president as follows: From the persons having the highest number of votes, not exceeding three, on the list of those voted for as president, the house of representatives proceeds to choose, by ballot, the president. This vote is taken by states, the representatives from each state having one vote, so that the majority of the representatives from each state decide for whom the vote of that state shall be cast. If the house of representatives shall fail to elect a president by the fourth of March following, then the vice-president elected by the senate becomes the president, as in the case of the death or other disability of the president.

A different course is pursued by the senate in the election of the vice-president. There is no chance of a failure of an election in the senate, for the senators vote as individuals, not as representing particular states. There is no provision in the constitution as to whether the vote in the senate shall be by ballot, or *viva voce*. The only conditions are, that two-thirds of the whole number of senators shall be present, and that a majority of the whole number shall be necessary to a choice. From the two highest numbers on the list of those voted for as vice-president, the senate elects the vice-president, who, as stated, becomes the president in the event the house of representatives fails to elect a president.

This method is not only a useless but dangerous piece

of mechanism. The original theory was, that the people at large could not possibly be well enough acquainted with public men to judge of their qualifications for this exalted office. That electors, eminent in moral and intellectual character, who were personally acquainted with the qualifications of the statesmen of their time, would be chosen, and that they would make the best selection. Political parties, such as now exist, were then unknown. These electors were to both nominate and elect.

The presidential electors have come to be merely so many automata to register the vote of their respective parties, and, in the main, are chosen simply to compliment the individual. Not one voter in a thousand pays any attention to who they are, or realizes their constitutional power. Their names are seldom, if ever, mentioned in a campaign, nor are they considered in the election. An analysis of the men composing the electoral college would present the craziest quilt in character and qualification known in our political life.

At the tenth presidential election there were four candidates: Andrew Jackson, John Quincy Adams, William H. Crawford, and Henry Clay. No one received a majority of the whole number of electoral votes, and the election was for the second time thrown into the house of representatives, when Mr. Adams received thirteen, General Jackson seven, and Mr. Crawford four votes; Mr. Adams being elected president.

General Jackson having received the largest number, both of electoral and popular votes, on the original count, never got over this. In nearly every message he sent to congress, after he was subsequently elected president, he advocated an amendment to the constitution whereby the president should be elected by direct vote of the people.

In 1873, Horace Greeley having been the year previous

the nominee for president and B. Gratz Brown for vice-president, and Mr. Greeley having died after the election, but prior to the casting of the electoral vote, the electors chosen in their behalf, instead of voting for Mr. Brown, the legitimate heir to the presidency on his ticket, voted as follows: for Thomas A. Hendricks, 42; for B. Gratz Brown, 18; for Charles J. Jenkins, 2; for David Davis, 1.

In 1876, the two candidates receiving the highest number of votes were Rutherford B. Hayes and Samuel J. Tilden. Mr. Tilden had a popular majority, according to the Democratic count of 264,292; according to the Republican count, of 252,224. When it came to count the electoral vote, congress had before it three certificates from Florida for its electoral vote, and two certificates, each, from Louisiana and Oregon for their electoral votes. There was no law to settle which was the proper electoral vote of a state when such conflict existed. An electoral commission was agreed upon, consisting of fifteen members, five from the supreme court, five from the senate, and five from the house of representatives. This commission was composed of eight Republicans and seven Democrats, and by a vote of eight to seven decided that Mr. Hayes was the lawfully elected president.

There is nothing in the constitution, or any other enacted law, obligating any member of the electoral college to vote for the candidate for whom he is chosen to vote. Should he exercise the freedom of judgment the constitution intended he should, he could vote for any one he saw fit. In the present careless manner of choosing presidential electors, it is both possible and probable that a self-willed or corrupt elector may be chosen, who, through bribe or pique, could be led to betray his party and thwart the will of his constituents by either voting for the very candidate

he was chosen to vote against, or for some other, whereby there would be no election by the electors, the election thrown into a house of representatives whose majority by states was adverse to the candidate for whom he was chosen to vote, and thus the same end accomplished.

Within ten days after the November election, the whole country knows the result, and the fact that all vote in their several states on the same day far from precludes that combination and trickery in the meantime that was intended by their simultaneous vote.

At the same time that John Jay was governor of New York, and his, the Federalist party, was in a majority in the legislature, and the legislature elected the electors, the opposite party proposed a measure changing the law, so as to have the electors chosen directly by the people in separate districts. The Federalists, confident of a majority in the succeeding legislature, opposed it. When it was seen that the new legislature would be anti-Federalist, Alexander Hamilton wrote to Governor Jay to convene the legislature, and have it pass a law for the election of electors by the people, just such as the over-confident Federalists had opposed. Governor Jay indorsed on that letter, "Proposing a measure for party purposes, which I think it would be unbecoming in me to adopt." After his death, this letter with the indorsement on it was found among his papers.

Political scheming is not confined to any one era. There have been and will be governors so swayed by party thralldom that they would not display the lofty patriotic integrity of Governor Jay, who resigned the high office of chief justice of the supreme court of the United States to become governor of New York. A partisan governor, backed by a partisan legislature, seeing the drift of sentiment against their party, and in which state the people

were allowed to elect the electors, might change the law so that the legislature could elect the electors, and thus defeat the will of the people.

Each of the presidential contests mentioned came near agonizing the country with the throes of revolution. It may take some dread event to bring about the needed change.

[*Clause 4.*] The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

This simultaneous vote of the far-separated states may at that time, when communication was so difficult, have secured a fair selection, free from trade and combination of candidates. There was no opportunity to get together and intrigue for advantage. The annihilation of time and space by telegraphs and rail render the reasons for the adoption of this provision nearly, if not entirely, groundless. There is now ample time and opportunity to concoct the very combinations and schemes it was believed this clause would avoid.

[*Clause 5.*] No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years resident within the United States.

Many citizens of foreign birth, at that time, had braved the dangers of the battles of the Revolution, been members of the Continental Congress, and some such were members of that very convention. They were justly given all the opportunities of honor accorded the native born.

No one but a native is now eligible. It was deemed that long residence out of the country would unfit a native for this high office; deprive one of the knowledge

of and interest in the conditions and affairs of the land necessary to fit him for its highest office. Residence abroad as minister, consul, or in other official capacity is not considered residence without the country, and is not reckoned against an aspirant for any office.

[*Clause 6.*] In case of removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president; and such officer shall act accordingly until the disability be removed, or a president shall be elected.

At first, the vice-presidency was considered of equal importance to the presidency. Men of most distinguished qualification were selected, and several succeeded to the presidency. Then the estimate of its importance lapsed, but that estimate is returning to its original strength with politicians and people alike.

Five times the vice-president has succeeded to the presidency. Four failed of renomination, and alienated their party on their accession. President William Henry Harrison died after serving but one month, and was succeeded by Vice-President John Tyler. President Zachary Taylor died after serving one year and four months, and was succeeded by Vice-President Millard Fillmore. President Abraham Lincoln was assassinated but little over a month after his second election, and was succeeded by Vice-President Andrew Johnson. President James A. Garfield, after serving six months and fifteen days, died at the hands of an assassin, and was succeeded by Vice-President Chester A. Arthur. President William McKinley, having served six months and ten days of his second term, became our third martyred president by an assassin's bullet, and was succeeded by Vice-President

Theodore Roosevelt. These fateful lessons are teaching the American people to select candidates of equal calibre for these exalted offices.

In case of the death, resignation, or disability of both president and vice-president, congress has provided that the members of the president's cabinet shall succeed to the office in the following order: secretary of state, secretary of the treasury, secretary of war, attorney-general, postmaster-general, secretary of the navy, secretary of the interior.

[*Clause 7.*] The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

This salary is now fifty thousand dollars a year. Inability to increase or diminish that salary puts him beyond the temptation of yielding to congress for the sake of gain; robs congress of the power to coerce him by reducing his salary; and, in that regard, insures his independence from sordid or menial motives.

[*Clause 8.*] Before he enters on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president [of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

In addition to the noblest motives that could inspire the ambition and patriotism of mortality, the solemnity of an oath or affirmation before the God to whom every member of that convention gave no idle, but the most supreme and reverent worship, was required of him who assumed the awe-inspiring duties, responsibilities and obligations of the office which every true American regards as the highest on this earth.

SECTION 2

POWERS OF THE PRESIDENT

[*Clause 1.*] The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

[*Clause 2.*] He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

[*Clause 3.*] The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

The fear of the "Fathers" for any sort of one-man power, of royal or kingly rule, is shown in the scant and shorn powers of the president. His only exclusive powers (that is, those in the exercise of which he need consult no one; is not required to seek the advice and consent of any one) are as follows:

He has the powers of the commander-in-chief of the army and navy of the United States at all times, but over the militia of the several states only when called into the actual service of the United States. In times of peace he has no control over the state militia. He can pardon or reprieve for any offense against the United States, except

in cases of impeachment. In such cases, he cannot save his political friends. He can compel the opinion, in writing, of the principal officer in each of the executive departments, upon any of the subjects relating to the duties of their respective offices. He can nominate whomsoever he sees fit for the offices named; and if the senate be not in session, he can commission such officers, and they can perform the duties of such offices until the last day of the succeeding session of the senate. If he found such person would not be confirmed for the office by the senate, he could refrain from nominating any one for the office, let the commission of such person so expire, and re-appoint him when the senate adjourned. In this way, he could keep a person obnoxious to the senate in office. But there is small probability of such advantage being taken. He can convene both or either house of congress whenever he alone deems it necessary; and in case of disagreement between them as to the time of adjournment, can adjourn them to such time as he sees proper.

He can receive, or refuse to receive, ambassadors and ministers of foreign powers. Receiving such officials is recognition of the government that sends them to this government. Should this be a new government that had rebelled against an existing government, known as one of the nations of the world, it would be a serious matter, and might lead to war with the old government. So, refusing to receive such official from such new, or any government, unless the official was personally obnoxious, while it would not lead to war, might involve the nation in serious embarrassment.

The intelligent discretion of our presidents in such matters has never been abused by its wrongful exercise. All other powers he must exercise by and with the advice and consent of the senate. If the senate be in session, he

cannot commission an officer, even in his own cabinet, without such concurrence. Then, he can only nominate, and they cannot act until the senate confirms their appointment.

Thus, it will be seen, his constitutional powers, so far as they may be considered personal powers by virtue of his office, are very limited. They are mainly moral, as the head of the government and his party. His power of patronage is great, because, while the senate must by a majority vote confirm his appointments, no person or power can dictate whom he shall nominate. However much the entire senate might desire to place some person in position, they could not do so unless the president saw fit to nominate him. He has the advantage in that, and it gives him his principal practical power.

The burden put upon the president by persistent office-seekers, and by members of congress striving to reward their friends, in the effort to secure such nominations, is almost past mortal endurance, and undoubtedly conflicts with the higher duties he owes to the whole people, and deprives him of much of the opportunity he should have to consider the weighty matters of general concern. Nor is it the least cause of much interested dissatisfaction and unjust criticism.

SECTION 3

DUTIES OF THE PRESIDENT

He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be

faithfully executed, and shall commission all the officers of the United States.

This information and recommendation is given by what is called the president's message. These messages have no binding force, are merely suggestive. They have constituted a series of the ablest state papers and historical information the country possesses.

When a law is enacted, with or without his approval, it is his sworn duty to have it executed. He has no option about the matter then, however much he may feel that it is a bad law. Of his many terse sayings that have become key-notes for the country's conduct, none are of more significant and instructive value than this of President Grant: "The best way to secure the repeal of a bad law is to enforce it."

SECTION 4

IMPEACHMENT OF THE PRESIDENT AND ALL CIVIL OFFICERS

The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

By a learned authority it is said: "All officers of the United States who hold their appointments under the national government, whether their duties are executive or judicial in the highest or in the lowest department of the government, with the exception of the officers in the army and the navy, are properly civil officers within the meaning of the constitution, and liable to impeachment."

ARTICLE III—SECTION 1

THE JUDICIAL DEPARTMENT—UNITED STATES COURTS

[*Clause 1.*] The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the

congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Under this clause the vast system of United States courts has been established.

The supreme court, at first, consisted of a chief justice and five associate justices. It was enlarged to nine associate justices, and then the number reduced to eight, as at present.

There are nine circuits, corresponding to the number of justices on the supreme bench, in which one of their number, by special assignment, presides annually with one of the circuit judges. In each circuit is a circuit court of appeals, in which the circuit and district judges are competent to sit. There are now twenty-six circuit judges, and seventy district courts with that number of district judges, besides the courts of the territories and the District of Columbia; and the court of claims, the latter sitting in the city of Washington.

The judges in the territories are appointed every four years; the others hold office during good behavior, or for life. They are made independent in income, in that their salaries never can be diminished, and can be removed only by impeachment.

The other officers of national courts are, the attorney-general, the district attorneys, the marshals, and the clerks. All but the clerks are appointed by the president, by and with the advice and consent of the senate.

The attorney-general is a member of the president's cabinet. He attends to all the business of the government in the supreme court, and advises the president and

other executive officers upon all questions of law, and often directs the action of the district attorneys.

The marshal performs the same duties for the government as the sheriff does for the county.

The clerks perform the same duties for the United States courts as do the clerks for the state courts. Their appointment is vested by congress in the judges of the various courts. They have the custody of the seal and the records of their respective courts; sign and seal all processes; receive the money paid into the court, and must render an account thereof to the court at each of its sessions.

No department of our government has ever enjoyed that respect, if not reverence, that is accorded our supreme court. The sentiment of jurists, statesmen and people, not only of our own country, but of the civilized world, could not be better expressed than as follows, in Bryce's *American Commonwealth*:

“No product of government, either here or elsewhere, has ever approached it in grandeur. Within its appropriate sphere it is absolute in authority. From its mandates there is no appeal. Its decree is law. In dignity and moral influence it outranks all other judicial tribunals of the world. No court of either ancient or modern times was ever invested with such high prerogatives. Its jurisdiction extends over sovereign states as well as the humblest individual. It is armed with the right, as well as the power, to annul in effect the statutes of a state whenever they are directed against the civil rights, the contracts, the currency or the intercourse of the people.

“Secure in the tenure of its judges from the influence of politics and the violence of prejudice and passion, it presents an example of judicial independence unattainable in any of the states and far beyond that of the high-

est court in England. Its judges are the sworn ministers of the constitution and are the high priests of justice. Acknowledging no superior, and responsible to their consciences alone, they owe allegiance only to the constitution and to their own exalted sense of duty. No institution of purely human contrivance presents so many features calculated to inspire both veneration and awe."

SECTION 2

JURISDICTION OF THE UNITED STATES COURTS—

WHERE TRIALS SHALL BE HAD

[*Clause 1.*] The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Under the last sentence of the above clause, a state could be sued. This was once done, and was considered such an offense to the dignity of the state that it was made obsolete by the Eleventh Amendment to the constitution.

All of the states have established courts of claims, wherein justice may be done those asserting claims against them, and whose judgments are obeyed without recourse to an officer to enforce them.

ELEVENTH AMENDMENT

ARTICLE XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any of the United States by

citizens of another state, or by citizens or subjects of any foreign state.

Upon any question wherein a constitutional right is involved, suit can be brought in, or taken from a state court to the United States courts. The citizen of one state suing the citizen of another state, can bring his suit either in the court of the state where the latter is, or in the United States court. If two citizens of the same state have a controversy about lands held under grants of different states, they have the same option. The same if a native sues a foreign citizen. The foreign citizen, if sued in a state court, can have the case transferred to the United States court, unless his country and this be at war.

The design is, to provide a tribunal having no interest on the one side more than on the other. So that where one fears state partiality or prejudice, he can resort to the court common to all—the United States court. This leaves the great volume of ordinary rights to be settled in the state, or local courts.

ORIGINAL JURISDICTION

[*Clause 2.*] In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

Original jurisdiction means the first court in which a suit can be brought. It is an international law that ambassadors and other officials of a foreign power are not subject to the laws of the nation where they are stationed. Their rights, powers, and duties come under the law of nations. All countries are subject to this law. Being an international matter when they are affected, only the

highest court in the country can consider questions concerning them. In the same manner, the states are held to be of too great dignity to sue or be sued by each other in any other than this court.

HOW AND WHERE TRIALS SHALL BE HAD — TRIAL BY
JURY MADE PERMANENT AND INVIOULATE

[*Clause 3.*] The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

As trial by impeachment has been otherwise provided for, the sacred right of trial by jury in all criminal matters is hereby made forever inviolate. Such trial must be had in the state where the offense is charged to have been committed, that the accused may have every opportunity of procuring his witnesses, and being tried by a jury unprejudiced against him, as they might be against one from another state. The transportation of Americans to England for trial doubtless occasioned this provision. If the crime be committed in territory belonging to the national government, and beyond the state's borders, the fixing of a place for the trial thereof by congress results as a necessity.

SECTION 3

TREASON—WHAT IT SHALL CONSIST OF—LIMITS OF TESTI-
MONY TO CONVICT—LIMIT OF POWER TO PUNISH FOR

[*Clause 1.*] Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

[*Clause 2.*] No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

[*Clause 3.*] The congress shall have power to declare the

punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

So many offenses were formerly and in other countries denominated treason, and it was made so much a matter of politics to ruin adversaries, that what it should consist of was simply defined in the constitution, and confined to the two things named. No one witness is allowed to convict a man, nor can any confession, outside of the courtroom, be testified to, no matter how many witnesses were ready to swear they had heard it.

History shows so many unjust convictions for this crime through coerced, tortured confessions, and flagrant perjuries by partisans, that every precaution was taken to guard against them. It is the most infamous crime known against government. So many have been the temptations, so heinous the efforts to convict of it, that proof of it must be made beyond peradventure.

The punishments therefor have been of such revolting atrocity, that congress was left to fix that punishment, under the clause that cruel and unusual punishments should not be inflicted. Nor are the innocent heirs of the convicted to be affected. Their burden of shame is ample, without barring the right of inheritance, or making them share in suffering for something with which they had naught to do.

ARTICLE IV—SECTION 1

STATE RECORDS

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Should any question come up in one state as to what

was the law in another, a copy of the law published under the authority of the state in question would settle what that law was. So a properly authenticated copy of any state record is taken as true by any other state.

The successful party to a suit once tried in one state can never be harassed by its re-trial in another state. If he wished to enforce a judgment he had so obtained in one state on property in another state, he would not have to re-try the case, but bring suit on the judgment, and establish it by the records of the state where obtained. So, if sued, and he had defeated the suit, and it was brought against him in another state, the former record enables him to have all proceedings stopped in the state where the suit was brought over again.

SECTION 2

WHAT ARE PRIVILEGES AND IMMUNITIES OF CITIZENS

[*Clause 1.*] The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

These are not political privileges, but those fundamental rights of the citizen that are regarded as inalienable. These are the right to contract; to pursue a lawful vocation; to enjoy equal conveniences of transportation and lodging; to enjoy the same rights of life, liberty, and the pursuit of happiness that the citizens of the state where he might be enjoy in their domestic and business relations.

It does not allow the importation from one state to another of the right to vote, or any other peculiar political privilege allowed in the state from which one comes.

[*Clause 2.*] A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

As the officers of one state have no more authority in another than a private citizen, this enables fleeing criminals to be brought to justice in the state whose laws they have offended. This is accomplished by the governor of the state from which the criminal fled sending an officer with a written request, called a requisition, to the governor of the state where the person is, that such person be apprehended and delivered to such officer to be brought back to the former state to be dealt with according to its laws.

When the requested governor honors the requisition, he orders the sheriff, or some officer of his state, to arrest and deliver such person to the officer of the sister state. The criminal is then as much in the custody of the latter officer as if he were in his own state.

[*Clause 3.*] No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Under this clause fugitive slave laws were enacted. It is now obsolete.

SECTION 3

NEW STATES AND TERRITORIES

[*Clause 1.*] New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned as well as of the congress.

It has always been the policy of our government to develop the territories into states as rapidly as possible. When a territory wishes statehood, it applies for admission as a state; shows its population and resources, and its

fitness and ability to have and maintain a state government. Congress then decides whether or not to grant the request, and upon what terms and conditions as to the constitution it shall adopt.

No state sovereignty can ever be invaded by consolidating or dividing states by congress alone. This must be a mutual matter, all concerned, the legislatures of the states affected and congress consenting. It will be noticed that the prohibition is as much upon the states acting alone as it is upon the national congress so acting.

[*Clause 2.*] The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Under this clause, the vast and beneficent system of acquiring homesteads on public lands has populated prosperous states, once thought to be worthless for habitation. It makes possible the proper government of all newly acquired territory, and other government domain or property.

At that time many of the states had individual ownership of vast tracts of land, and provision is made preventing despoiling them thereof, at the same time allowing the national government to assert its rights in such as it had acquired or claimed rights to land.

SECTION 4

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence.

This supports every state government with the national power. It insures republican government in all. It is an

invulnerable shield against foreign invasion. To attack any one state is to attack all.

Much heated discussion has been occasioned by the last part of this clause. Twice the national government sent troops to the state of Illinois to quell domestic violence, and both times the governors stoutly protested against it. In the last instance, it was claimed under the right and duty of the national government to protect interstate commerce. The contention was, that unless either the legislature or the governor requested it, the national government had no right to send its soldiers into a state; that the state must preserve order within its bounds, and the national government come only on call.

ARTICLE V

POWER AND METHOD OF AMENDMENT

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

This gives two ways to propose and two ways to pass amendments to the constitution. Two-thirds of both houses of congress can propose amendments. When two-thirds of the legislatures of the states apply therefor, congress must call a convention to propose amendments. Congress decides whether such proposed amendments

shall be ratified by the legislatures of the states, or by conventions called in each for this specific purpose.

Either way is an indirect way for the people. They do not vote directly on amendments, but for members of the legislature, or the convention who are supposed to carry out their wishes. Three-fourths of either the legislatures or conventions must ratify the amendments to make them part of the constitution. Proposing them by congress and ratifying them by the legislatures is the only method employed so far. No amendment can ever be made depriving the states of equal suffrage in the senate.

ARTICLE VI

PUBLIC DEBT—SUPREMACY OF THE CONSTITUTION—OATH OF OFFICE—RELIGIOUS TEST

[*Clause 1.*] All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This is simply the declaration of an international law, and was doubtless to assure our then clamorous creditors that the new government would keep faith with them.

[*Clause 2.*] This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

No plainer definition and declaration of national supremacy could be framed.

[*Clause 3.*] The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be

required as a qualification to any office or public trust under the United States.

The constitution not only declares the national constitution, the laws, and the treaties of the national government to be the supreme law of the land; not only puts the officers of the national government under solemn oath or affirmation to support it, but further asserts that supremacy by making it a condition to holding any legislative, executive, or judicial office in a state, to take a solemn oath or affirmation to support that national constitution. This is the only qualification or condition that it imposes upon a state official. In so doing it asserts its supremacy.

While no religious test can ever be required to any office or public trust under nation or state, as to its own officers, here is recognition of the Supreme Being, under whose guidance this government was founded, this constitution framed.

ARTICLE VII

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

The eleven states that at first ratified the constitution, and every state that has since come into the Union, took this constitution on its terms, adopted it in whole and part, and are inseparably and forever bound by its solemn terms.

THE AMENDMENTS TO THE CONSTITUTION

The dearest legislative child of the Magna Charta was the English bill of rights, enacted in 1689, when William and Mary were given the crown only on condition that they signed and made oath to observe it. Every monarch since has so pledged to uphold it, upon his or her acces-

sion to the throne. As English subjects, reverent regard for it was hereditary. As thoughtful men, it appealed to their best intelligence. As regardful of all history, and especially of the disastrous despotism practiced by their rulers in every colony, in disregard of its salutary provisions, its value as an established and observed statute grew in universal estimation. About the first thing considered in every American state constitution was a bill of rights, modeled upon this time-honored product of most thoughtful evolution and bloody experience.

The proposed constitution contained no bill of rights. This omission was the most influential, the most powerful argument with which the opponents of the adoption of the constitution appealed to the historic experience, the common sense, the conscience, the republican prejudices of the people, and cited the indisputable example of all history to support. Its establishment as law had been the heroic struggle of the ages; its higher enthronement the cherished dream of a liberty-loving, liberty-seeking people. The wounds of its disregard smarted yet. This omission was opening the door for the entrance and enthronement of a cloaked tyranny in the guise of promised republican government.

The hope and promise of its incorporation into the constitution by amendment was the inducement to support held out by the advocates for adoption. But for that, it is probable the wavering scale would not have turned in a favorable way. This hope was realized, this promise fulfilled in the so early adoption of the first ten amendments to the constitution, which are almost a verbal repetition of that bill of rights, that they may be considered as part of the original instrument.

They are the people's original part, and as strong a witness as our history offers in establishment of the collective

wisdom of the people—a wisdom that has steadily grown in the estimation, not only of our own statesmen, but in that of the rulers and philosophers of the whole world.

In our universal sense of absolute security; in the unmolested enjoyment of prevailing liberty under a government so strong, yet so unfelt that we fail to feel the weight of its benign existence, we the people, who owe what we are, as a nation, to this constitution, know too little, even of these amendments, that every American citizen and every American child should have by heart.

AMENDMENTS

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

But for religious intolerance, there would have been few, if any, Tories in America. The Bible's God needs no belittlement by a mortal law to secure an insincere support. He whose outstretched hand showered this earth with its treasures, and holds the countless worlds of the universe in matchless harmony, calls on no puny power of frail humanity to help maintain His immutable rule. God does not need humanity; humanity needs Him. This is the voice of the constitution, disdaining the vain egotism of the church needing state support, and leaving, for all time, to individual conscience the worshipful adoration of that God; the seeking of His support. The consequence is, a country of churches, and a profound, underlying religious sentiment that keeps pace with its growing intelligence and makes the non-state-supported church the

strongest police power the country owns, not to speak of its character culture, its moral upbuilding, its constant and countless leadings to a higher and happier life.

Those great levers and bulwarks of liberty—free speech and a free press—can never be encroached upon. But there is a vast difference between liberty and license, or rather the licentiousness of utterance and publication. The exercise of the right cannot be abridged; its abuse is punishable. Written falsehood is libel; spoken, is slander. All of the states have laws imposing heavy penalties for either. Besides, the injured party can recover personal damages therefor. No public meeting of the people can ever be prevented, or dispersed, no matter what it is held for, if it be peaceable.

The right of petition herein provided for has been so highly regarded that many of our most eminent statesmen have, as a matter of constitutional duty, presented petitions, when the granting of what was asked for they opposed, but would not refuse to present the petition.

ARTICLE II

A well-regulated militia being necessary to the security of a free state the right of the people to keep and bear arms shall not be infringed.

Every one has the right to bear arms, but not concealed. In all of the states, the pernicious practice of carrying concealed weapons is severely punished.

A well-regulated militia saves the danger and expense of a standing army of magnitude, and at the same time furnishes the ready source to marshal a trained body of soldiers, if a sudden necessity demands a military force. War is always to be dreaded, and should be the last resort of every nation, but the best preventive of this supreme evil is the ability to carry it on.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

This clause was due to the exasperating experience of the colonies preceding the Revolution. In peace or war, the quartering of soldiers in private houses has never been and probably never will be done by our government. Even in war, the laws provide for just compensation, and against any unreasonable inconvenience to the owner.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No officer, simply because he is an officer, has the right to search a house, or lay his hands on a person, their papers, or effects. Before this can be done, some one must file a written affidavit before a judge, justice of the peace, or other judicial officer, setting forth the offense he complains of, the name of the person charged with its commission, or the papers or effects he claims the right to have seized, and a particular description of the place to be searched. If such judicial officer believes there is probable cause for the complaint, he issues and signs what is called a warrant to some officer. Then, and not until then, can the officer act under it. Such officer must read, or let the party charged read this warrant. He must show his lawful authority before he acts. Otherwise, he subjects himself to prosecution; himself and his bondsmen to a civil suit for damages, and gives the party whom he attempts to seize, or whose house he attempts to search, the right to resist, by proper force, his action.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Except as to the forces named, which are governed by military law, no one can be tried for a crime until after indictment by a grand jury. An indictment is a very particular, written statement of the time, place, and circumstances of the offense, signed by the foreman of the grand jury, and made by this body, which consists of not less than twelve, nor more than twenty-three persons, after examining the witnesses in regard thereto. It must be so full and careful in statement that the accused can make his defense with all reasonable knowledge and ability.

No one can be tried for the same offense twice, even if after acquittal therefor he confesses his guilt. Nor can he be coerced or tortured into confessing his guilt.

By due process of law is meant, not only the laws of the United States and the states, but the common law, the regular course of procedure in the courts, and all the formalities whereby one is given due notice of what claim is asserted against him, and opportunity to make his defense and assert his rights.

Private property can be taken for public uses, such as court and school houses, streets, etc. But before this can be done, a petition to condemn it must be filed in a competent court; the case must be tried by a jury of his fel-

low citizens; they must assess the value of that property, and that value must be paid to that owner before he can be dispossessed of his property.

If a man's property is destroyed or injured by a mob, or in a riot, he can recover the value thereof from the municipality that fails to protect it. If he have no property but his hands, is a laborer or mechanic, and is prevented from earning an honest living by lawful labor by some combination of men, it seems that this would be such a deprivation of liberty, of the immunities guaranteed to every citizen, that he should be able to recover for the loss the same as an owner for loss of or injury to property.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

This is to prevent the long imprisonment of the poor who are not able to give a bond for their appearance at the trial of the crime they are accused of. It prevents taking one out of his own community and being tried in one where prejudice may exist against him, or greater difficulty occasioned in getting his witnesses. It prevents any secrecy that would disable him from ample opportunity to prepare his defense; from any unfair surprises whereby injustice can be done him. No testimony of an absent witness can be taken against him. Every witness must face the accused on the trial. Without expense to him, the court must compel the attendance of all witnesses he

desires, and if he is unable to employ a lawyer, the court will appoint one to make his defense.

No country makes such liberal and generous provision as this to secure a fair trial for one accused of crime.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

This secures the sacred right of trial by jury in civil cases, as well as criminal, except where the amount involved is under the small value named.

The verdict of a jury can be reviewed on appeal, but is so highly regarded that strict rules have been adopted whereby this can be done, even by the supreme court of the country. No verdict will be set aside, or modified, unless the calmness of experienced judicial authority finds palpable injustice has been done.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

To prevent injustice being done the poor, and for the sake of humanity, the barbarities that history tells of in despotic governments are forbidden in this country.

ARTICLE IX

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Fearing that some inalienable right of the people might have been omitted in their enumeration, this comprehensive clause was added in favor of the people whose supreme source the constitution acknowledges for its powers.

ARTICLE X

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

In the second article of the Articles of Confederation, the word “expressly” appeared before the word “delegated,” in the clause conferring powers on what was attempted to be made a national authority. This denied all implied powers, and was a constant source of weakness and embarrassment. This clause, so worded, removes all question as to the exercise of such powers by the national government. At the same time it leaves to the states, or to the people, every power not expressly delegated to the national government, and necessarily implied from those enumerated powers.

ARTICLE XIII—SECTION 1

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2

Congress shall have power to enforce this article by appropriate legislation.

This was a “war measure,” and it made this a free country in name and fact, and wiped out the greatest cause of contention that had existed between the sections from the very foundation of the government.

ARTICLE XIV—SECTION 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any

state deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2

Representatives shall be appointed among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive or judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SECTION 3

No person shall be a senator or representative in congress, or elector of president or vice-president, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

SECTION 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5

Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This amendment was passed for the protection of the emancipated slaves. It went beyond application merely to them, and made the same prohibition apply to the states as to abridging the privileges and immunities of citizens that theretofore applied only to the national government. It declares who shall be citizens, but not who shall vote. That is left still to the states, except as to the prohibition in the next amendment. Each state can make a property, or educational, or any other qualification for the voter, so that it applies to all alike, regardless of race, color, or previous condition of servitude.

A penalty is placed upon engaging in insurrection or rebellion against the government, after having taken an oath to support our constitution. This was done to punish those who had so offended in the seceding states, yet whom this government did not feel justified in accusing of treason, or who might so offend hereafter, yet not be guilty of treason as defined in the constitution. Such disabilities were removed from every one who applied therefor, and many of our most loyal citizens are among this class of men. This forever wiped out the debts of the seceding states, and put beyond all question the debts incurred, or to be incurred by the national government in its own maintenance, and in caring for those who had suffered to sustain it.

One of the intentions of this amendment was to secure the right of suffrage to the emancipated slaves in order to obtain the largest possible representation in our congress. It did not succeed.

There is much in the second section that yet awaits interpretation by the supreme court.

ARTICLE XV—SECTION 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

SECTION 2


The Congress shall have power to enforce this article by appropriate legislation. *

This amendment was the last of the “war measures,” and was adopted to settle all question as to the right of the negro to vote, the same as any other citizen. It compels all restrictions or qualifications as to voting to be made to apply the same to the white man as to the black man, or the man of any other color or race.

This and the previous section makes the Chinese, or the sons of any other race who are born in this country citizens, and entitled to the same rights to vote, the same rights in all respects as those of Anglo-Saxon, or other descent.

CHAPTER XVII

THE PRESIDENT'S CABINET

O PART of Washington's wise and practical statesmanship has received more signal historical indorsement than his creation of the president's cabinet. His action has proved equal to a constitutional provision. His successors have followed his example, until the cabinet has grown from three to nine members, and become such a distinguished and important part of our governmental machinery that, by act of congress, January 19, 1886, its members may succeed to the presidency itself. It has uniformly been composed of the greatest statesmen of the country. No chapter of American history makes a more glorious record than that which tells of the achievements and services of its members.

Neither the constitution, nor any law of congress obligated the creation of the cabinet. The president was left at liberty to administer his great office without the advice of any such body. Washington's action displays that absence of egotism, that aversion to arbitrary authority that has prompted so many of the world's greatest to crave and seize the entire control of the government they were called to administer.

Many members of the convention feared a single and desired a plural executive; that is, a presidency composed of three or more men of co-equal authority. Others, educated by the experience and utility of the king's

council from the time of Alfred the Great, down, and the governor's council in their respective colonies from their origin, favored a single executive with a president's council, clothed with authority to control his action.

Washington, while the most self-reliant of men, respected these views, and with that unselfishness that characterized his whole life, sought the counsel of the ablest, regardless of their political views, in the discharge of his great responsibilities, and called to his cabinet the three great statesmen—Thomas Jefferson, secretary of state; Alexander Hamilton, secretary of the treasury; and Henry Knox, secretary of war.

The cabinet now holds regular meetings, and while the president is held to sole responsibility for his administration, and can follow or disregard the advice of his cabinet as he sees fit, it is well known that its advice is potential in the conduct of the government.

The department of foreign affairs was established July 27, 1789, and became the department of state September 15, 1789.

The department of war and the navy was established August 7, 1789; the navy as a separate department, April 30, 1798.

The treasury* department was established September 2, 1789.

The department of justice was established September 24, 1789, but its head, the attorney-general, did not become a member of the cabinet until 1814; had neither office nor clerks, nor was required to reside at the seat of government until that time.

The postoffice department was a part of the treasury until 1829, having been established as a part thereof September 22, 1789. On the former date its head became a cabinet officer.

The interior department was established and its head became a cabinet officer March 3, 1849.

The department of agriculture was established and its head became a cabinet officer February 9, 1889.

The department of commerce was established and its head became a cabinet officer January 17, 1903.

The heads of these departments rank in the order given above, and their duties are as follows:

The secretary of state conducts all of our foreign affairs; all correspondence with and instructions to our ambassadors, ministers, and other officials abroad. He initiates and, after ratification by the senate, keeps in his custody all treaties with other nations. He preserves and publishes all laws, resolutions, and other enactments of congress, and the proclamations of the president. He has charge of the great seal of the United States, and affixes it to all documents that require authentication. He grants all passports to our citizens going abroad, and if one of them is wronged abroad he must seek redress through the secretary of state.

He has many assistant secretaries, and his department is divided into seven distinct bureaus, each of which gives special attention to some particular field of our foreign affairs. He makes an annual report to congress of all done under his department, at home and abroad, furnishing to the manufacturer and merchant the most valuable aid in the development and extension of our commerce.

The secretary of the treasury controls and manages the financial affairs of the government; the collection of its revenues and payment of its debts; the coining of its money; the engraving of its bonds; and, in short, everything relating to its income and the satisfaction of its obligations. He also has charge of the inspection of all steam vessels, whether plying on the ocean or the rivers

of the country; of light-houses; of marine hospitals; of the life-saving service, and the planning and construction of all public buildings. His department is divided into many divisions, the heads of each of which have often become deservedly famous for their serviceable work.

The treasurer of the United States receives and pays out all moneys, whether deposited in the treasury at the capital, or in the designated depositories in the leading cities of the country. The register of the treasury is the bookkeeper of the government. The comptroller of the currency has charge of the vast national banking system. The commissioner of internal revenue, the commissioner of customs, the commissioner of navigation, the supervising architect, the superintendent of the bureau of engraving and printing, the superintendent of the life-saving service, the director of the mint, all belong to and come under the control of this department.

The secretary of war has charge of the army and all the military affairs of the government. In addition, the construction of bridges, breakwaters, docks, and harbors; the improvement of all rivers so as to make them navigable; the construction of forts, land ordnance and arms come under the direction of this department.

The chiefs of the many heads of the bureaus in this department are: the adjutant-general, who conducts all its correspondence and issues its orders; the quartermaster-general, who provides the clothing and like supplies for the army; the commissary-general, who purchases its provisions; the surgeon-general, the head of the medical staff; the chief of engineers, who superintends the construction of docks, forts, harbors, and the improvement of rivers; the judge-advocate-general, its law officer, whose duties are similar to those of the state's attorney, but confined to courts martial and army affairs;

and the chief signal officer. This department also has charge of the United States Military Academy at West Point.

The secretary of the navy has charge of that arm of the government's power that has assumed such prominence and importance in recent years. His department is divided into eight bureaus: yards and docks, construction, engineering, equipment and recruiting, navigation, ordnance, provisions and clothing, and medicine and surgery. The Naval Academy at Annapolis and the Naval Observatory at Washington City come under his control.

The secretary of the interior has control of the internal affairs of the government. All of its public lands that have passed from the nation's ownership, have been disposed of under him to settlers, soldiers, for public schools, colleges, and railroads. The pension bureau, the patent office, the commissioner of Indian affairs, the commissioner of railroads, the superintendent of the census, the commissioner of the general land office, the bureaus of education and of the geological survey, all come under his control.

The postmaster-general has charge of the immense postal system of the country, postmasters and postal employés, and everything connected with this branch of the public service that is the most familiar of all to every citizen of the country, as well as one of the most serviceable.

The attorney-general is the head of the government's law department, appears for it in the supreme court, and directs the United States attorneys and marshals in the discharge of their duties.

The secretary of agriculture looks after this the greatest of all the employments in which our people are

engaged. Its bureaus investigate the animal, bird, and insect life that injure fruits, grain, and other products of the soil, how to exterminate them; the diseases of cattle, how to prevent and eradicate them; and the growth of all sorts of provision and clothing products, as well as flowers and ornamental shrubbery. They make tests of the soil so as to inform the farmer what it is best adapted to produce, and how to most favorably cultivate it.

The weather bureau that has become such a valuable aid to our whole people, to the farmer, the merchant, and the mariner, is under the control of this department.

The secretary of commerce is the latest addition to the cabinet. His duties are to investigate and inform the people as to the conduct of our commerce at home and abroad, and how best to develop that commercial supremacy that is to-day the astonishment and admiration of the whole world.

Under the control of the cabinet officers come many other bureaus, commissioners, and officials whose duties subserve the interests of the whole people. The department of labor, to collect statistics and particulars as to wages, strikes, and the operations of all our mechanical employments. The civil service commission, to eradicate the spoils system that has been so hurtful to the public service, and to make honesty and competency the qualifications for public office. The librarian of congress, who issues all copyrights and has charge of the magnificent library of the nation at the capital. The fish commission, to stock the streams and promote their replenishment with the most desirable species of fish. The printing office, which does all the engraving and printing of the government, and its publications. The interstate commerce commission, to regulate and enforce fairness in freight rates to every shipper, great or small.

Thus, it will be seen, that the duties of the members of the president's cabinet bring them into daily and intimate contact with every feature of the domestic, industrial, and commercial life of the country, and make that cabinet of indispensable value to him and the people in the administration of the affairs of our government.

CHAPTER XVIII

CONCLUSION



THIS constitution establishes a system of government such as the world never before knew.

It creates three separate and distinct departments—the legislative, executive, and judicial—each independent of the other, yet so interblended as to form a symmetrical whole. The legislative department makes all of the laws; the executive department sees to their execution; the judicial department interprets them.

The constitution creates a system of governments within a government, alike interblended into one harmonious whole, yet each separate from and independent, not only of each other, but of the national or supreme government.

The president of the United States, with the concurrence of the senate, can appoint all of the executive and judicial officers of the government, and in the event that congress should declare war, can compel every citizen, if need be, to go into the army. But he cannot appoint or command a single officer in a state nor exercise any control otherwise over its citizens.

Congress can levy taxes to carry on any war it may declare, or pay for any public improvement it undertakes; it can decide how much gold or silver shall be put into a dollar, and how many pounds of corn or wheat a bushel shall contain; it can say what shall be the weights and measures in every county and in every state, but it cannot enact any law relating to a county, a city, a township,

or any other municipal division of a state, nor any law affecting any charter granted to a corporation by the state authorities.

The national government can instantly order the soldiers of its regular army to protect the free movements of a mail wagon, and its officers to arrest any citizen who stops or interferes with the mails, but it can do nothing in the case of a riot in a city, no matter of how great proportions, where the disturbance does not affect the operations of the national government, except when the governor or state legislature applies for national aid.

The citizen traveling abroad carries a Federal passport, and is protected by the national government. He is known by foreign nations as a citizen of the United States. Such governments have no official knowledge of the existence of our different states. If the person or property of one of our citizens is molested abroad, the whole power of the national government, its army and navy, will be employed to have justice done him. But, if his person or property be affected at home, he must apply to the state government for redress for his grievance and for the establishment of his rights.

If a railroad is entirely within a state, the national government has nothing to do with the rate of charges for freight or passengers, but the moment that railroad extends beyond the state line, all it carries becomes interstate commerce, and the national government can compel it to give the same rates to every shipper and prevent it from any combination with other roads that would be hostile to the best interests of the people.

Under the constitution there is this gradation in our government:

The national government decides upon and conducts war and makes peace; it regulates and attends to all our

foreign relations; it controls and disposes of all of our public lands; it directs the operations of our army and navy, it establishes and maintains lighthouses, custom houses, weather bureaus, postoffices, and post roads; it determines what duties shall be paid upon all merchandise brought from another country into this, and it regulates our coinage, weights, and measures.

The state government maintains the general peace and order of the people within the state. The enactment of all laws applying to the whole state, and under which all local, corporate, and municipal bodies act, and to which they are subject, and the qualifications that one shall possess to enjoy the right of suffrage, except as to race, color, or previous condition of servitude, are in the exclusive and independent authority of the state. All domestic relations, marriage and divorce, inheritance, how property shall descend and be distributed, and the legion of personal rights are solely under state control.

There is the further subdivision which the state has exclusive power to make, of counties, townships, and districts for school and other purposes.

In Europe in the same extent of territory as is covered by the United States, are many nationalities as different in speech, thought, social habit, and legislation as in name. To bind them into one consolidated government whose laws are uniform, would be impossible. They might be united into a federal system. But racial and local peculiarities, prejudices, and predilections would have to be recognized.

Latitude and longitude will, in time, make the same differences here. Already there are distinct types. Physiognomy marks the people of distant places, of different sections. Idiom, provincialism, pronunciation, and accent, already differentiate and readily distinguish the

several states. Even the most learned educators, leaving their native localities, and having lived for years in another, return to note and comment upon the provincialism of their native homes and the inability of their old neighbors to understand the new part of the country where these leaders in education have experienced a new development. The very stars in their courses lead and light us to diverse lives and sentiments. Nature moulds its peculiar characteristics.

The grandeur of national power appeals to pride and cupidity alike. Its advantages in commercial conquest attract sordid as well as patriotic interests. Consolidation in capital and labor, in brain and brawn, offer ever-present inducements to individual gain. And the selfish hope, so delusive, of getting to the top, and of reaping the fruits of such an advantage, blinds to the truth that the common good is the best good of all and for all.

The dead sameness of the benumbed giant, China, teaches the fateful lesson of too great uniformity; it exemplifies intellectual, social, and governmental consolidation carried to the point where paralysis prostrates the energies of the whole people, despite high intellectual or educational training.

We must have a people that is homogeneous to a great extent, to preserve an enduring nationality. This the business and social admixture of our people under a national unity gives.

We must have a people that is heterogeneous to a large extent,—a people of diverse occupations, different social habits, different mental characteristics,—to promote the rivalry that begets progressive development by comparison and contrast. This the preservation of the state autonomy, the state sovereignty gives.

The recognition of these great truths teaches the neces-

sity of cherishing the distinct independence of the states in their reserved rights and powers, as well as of cherishing the national system in its delegated rights and powers.

More than three score years of debate, ending in the arbitrament of arms, has it taken to settle the inviolable integrity of the Union. The danger now is the other way. State and local sovereignty is as sacred, as important to the liberty and well-being of the people as national sovereignty. Sentiment is superior to law; there is not a state or a city—scarce a hamlet, or township—in all America but what nominates and elects its officials on national lines, regardless of local knowledge of men and local needs and issues. The result is that our local and municipal governments are far inferior to those of monarchies and are sources of universal complaint, of constant menace. There is need, and urgent need, of a return to the local pride and interest of the early day, and of a complete divorce between the choosings of national and local officials.

The thrusting of the national party hand into local elections is as hostile to the public good and public safety as would be thrusting the mailed hand of national power into the reserved rights of the states and the people. This political tendency is effecting in sentiment a practical consolidation of our composite government, against which the wise voices of our fathers, of the constitution they gave us, of our own vital interests, and of all history are raised in solemn and vigorous protest.

Our government is one of checks and balances. Its whole spirit is to make haste slowly. The seniority of the senate, the manner of its selection, fits it to stand as a barrier against the impulsive action that is characteristic of popular assemblages. The solemn duty of the presi-

dent to investigate and approve or disapprove of the work of the two houses, and the requirement of a two-thirds vote to override his veto, combine to stimulate calm, thoughtful reflection and to make our representative rulers legislate for permanent rather than for present results.

Then comes that august, impartial tribunal, which must be composed of the highest, best educated intelligence of the country; that tribunal whose permanence guarantees the nearest approach to absolute impartiality that man can devise; then comes that embodiment of character and culture, the supreme court, to measure every law, national or state, by the inflexible standard of the constitution.

The price of liberty is eternal vigilance. That vigilance, our constitution enforces by solemn oath upon every one who officiates at its altar. The individual exercise thereof is the free, yet bounden duty of every citizen. The supremacy of the law, its rigid obedience, and its righteous observance, is the safety of all, especially the common people.

We are told that a fairy once gave a man the power to raise Satan from his dread abode, but Satan would not go back without dragging with him the luckless wretch who raised him. He who appeals to and raises lawlessness to accomplish his ends, raises the demon that will only down with the destruction of the rights, the very blood-bought liberties that bless a law-abiding people.

The English constitution is unwritten. It is made up, as is the English common law, by custom, usage, and judicial decisions. The American constitution is written, yet much of it may be called unwritten, for much exists that is as great a part of it as what is written.

Sir James Mackintosh says, "Constitutions grow, they

are not made." The American constitution has grown by amendment, by usage, by judicial interpretation. The decisions of the supreme court construing it are as much a part of that constitution as its written provisions. And that court has borne its supreme responsibility with righteous conscientiousness.

Back of all, supporting all, securing all, come the great people whose government this is. Upon their universal intelligence the whole structure rests. The supreme duty of interested patriotism is to promote an understanding by that people of the principles and of the history of this beneficent government, the most beneficent of all governments. Promote this understanding by having the people study this government for themselves. As we are an independent people, let there be an independent, universal knowledge of our country's constitution. Let it be the litany of childhood, an essential in the curriculum of every school, and the study of age.

Not until the Civil War was there settled the controversy that had grown in bitterness over the question of our national sovereignty under the constitution, then for all time, was it established that the national authority was the supreme authority in the United States—that this was an indivisible Union, as well as a Union of indivisible states.

The differences of opinion on this subject were not only earnest, but honest; they were the outgrowth of heredity, interest, culture, and environment; the conviction forced by the peculiar situation, and the points of view of the divergent adherents.

No political party, and no particular section can claim exclusive loyalty to the idea of national sovereignty. Jackson, the great Democratic leader, in 1832, asserted the supremacy of the national government, with no less

vigor than did Lincoln, the great Republican leader, in 1861. The "heresy of secession" has not been confined to that section that backed its belief with its blood.

When, in 1803, the "Louisiana Purchase" was effected by President Jefferson, it was advocated by many northern states. Judge Thomas M. Cooley says: "The Federal leaders did not stop at cavils; they insisted that the unconstitutional extension of territory was in effect a dissolution of the Union, so that they were at liberty to contemplate a plan for final disruption."

It was stoutly charged, and long believed, though the public measures advocated by the convention contradict the charge, that the celebrated "Hartford Convention," in 1814, attended by representatives from Massachusetts, Rhode Island, Connecticut, and some from Vermont and New Hampshire, was for this express purpose, on account of the bitter opposition to the war of 1812 then raging with Great Britain.

Before the unfortunate Civil War, the extreme wing of the "Abolition Party" denounced the constitution as a "covenant with death, and a league with hell."

The pendulum of public sentiment in every section has, at times, swung too far in certain directions, and the rash impulses of the hour have made eminent and honest thinkers, who were liberty-loving patriots, rush into expressions and actions that they afterwards regretted and condemned. Sober, second thought, time and experience, have ever taught the greater value of obeying and cherishing the constitution, of recognizing its inestimable worth, of listening with patience to even the prejudices of the different sections, of letting reason rule, of looking at both sides of a question with tolerant spirit, and of upholding the right to freedom of thought and opinion.

No common thought ever dominated any section without some basis of right and reason. Those in that section necessarily understand the situation better than those outside of it. They can learn from the criticism of others, that what they look upon as benefits are evils, and the others can learn that what they advocate from their own standpoint as beneficial may in reality be erroneous and hurtful to the common weal.

Applying epithets to opponents is far from offering evidence that the opponents are the just objects of opprobrium. Invective is not argument. Denunciation most often demonstrates naught but heated feeling. Such things generally recoil upon those uttering them, and convince the undecided that lack of argument has driven the speakers to the rancor of passion rather than to the language of reason. The cold steel of truthful logic will cleave its way to conviction, when the white-heated blade of ill-temper will only flatten and the blow will only send out a shower of sparks and smoke to fall in grimy ashes, burning or soiling all they touch.

All this inflammatory rhetoric, all these harsh charges against those of distant and different parts of the country, whose judgments and opinions run counter to those of some one locality, had better have been birthless. Such vocabulary should never be known in advocacy of or opposition to what other equal citizens deem best for the common good, it belongs not to this enlightened age of refinement, it should never appear outside the circles where brute force brandishes its bludgeon.

In the Louisiana Purchase, the greatest of the leaders of the Federalists of that time, Alexander Hamilton, gave his strong arm to the support of his life-long political foe, Thomas Jefferson, and thereby rose to the pinnacle of his illustrious career as a patriot and statesman. Not

one to-day would deny that the clause, "Provide for the common defense, promote the general welfare" of the country, gave ample power to congress to consummate the purchase of the territory that made our Union bound both sides of the Mississippi, and united in political destiny the land that One greater than man had set aside for a perpetual unity.

Right and wrong have marked every mortal movement, every great organization, every government of mankind, and will unto the end of time. The steady, upward step of civilization has had, and will have, many a backward slip, many a wrong direction. The great governmental lessons of our whole history are, unity in diversity; learn from one another; cling to the dual kinship of everlasting national sovereignty and of everlasting state sovereignty, as marked, bounded, and defined in the constitution.

This complex government is a composite government, the theory of which has passed experiment and become a tested and accomplished fact. The question of the hour, present and to come, as Franklin put it, is, *How to administer that established system*. A more opportune event could not have come to put the cap-stone on this accomplished fact than the late war with Spain.

We saw the illustrious son of Illinois, the present speaker of our house of representatives, whose watchful guardianship of the nation's treasury had lifted him above being merely one state's representative, offer a resolution, voicing America's proclamation to the world that monarchical oppression must cease on the shores of the Western Hemisphere. In support of the nation's policy of humanity, we saw parties fade and partisans blend in one patriotic body, endorsing that resolution. We saw that body place fifty millions of money into the hands of the embodiment of the country's conscience in the presiden-

tial chair, and we heard the unbroken voice of the country applaud the action.

We saw on Cuban shores a stalwart form, as formerly, clad in Confederate gray. In Havana's harbor, floated in friendly visit, an American man-of-war. Suddenly, from beneath that ship burst the roar of an exploding mine. Through the rising smoke and flame, that enveloped our shattered ship, we saw the Confederate gray fade into the Union blue, and with one hand holding aloft his country's flag, with the other, we saw Virginia's son of historic name, wipe out the last vestige of Mason and Dixon's line. The roar of that mine had not ceased to ring in the ears of a startled nation when it was reëchoed from Manila Bay, where, side by side with Vermont's Dewey, Georgia's Bagby stood with the sword of the "New South" cleaving a new record of common honor for a common country. The loyal allegiance of the South, the same as that of the North, was written in the mingling blood of her heroic sons on every field and sea where united valor told of the reincarnation of the old-new nation, and the perpetual cementing of a pacified people. That promise and prophecy, "We, the people of the United States, in order to form a more perfect Union, do ordain and establish this constitution for ourselves and our posterity," had become a realization, and the great debate as to the perpetuity of this almost perfected nationality had ended.

APPENDIX

DECLARATION OF INDEPENDENCE

In Congress, July 4, 1776

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES
OF AMERICA, IN CONGRESS ASSEMBLED

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their

former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us in times of peace, standing armies, without the consent of our legislatures;

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas, to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally, the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing Declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK

New Hampshire

Josiah Bartlett,
William Whipple,

Matthew Thornton.

Massachusetts Bay

Samuel Adams,
John Adams,

Robert Treat Paine,
Elbridge Gerry.

Rhode Island

Stephen Hopkins,

William Ellery.

Connecticut

Roger Sherman,
Samuel Huntingdon,

William Williams,
Oliver Wolcott.

New York

William Floyd,
Philip Livingston,

Francis Lewis,
Lewis Morris.

New Jersey

Richard Stockton,
John Witherspoon,
Francis Hopkinson,

John Hart,
Abraham Clark.

Pennsylvania

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,

James Smith,
George Taylor,
James Wilson,
George Ross.

Delaware

Caesar Rodney,
George Read,

Thomas McKean.

Maryland

Samuel Chase,
William Paca,

Thomas Stone,
Charles Carroll, of Carroll-
ton.

Virginia

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,

Thomas Nelson, Jr.,
Francis Lightfoot Lee,
Carter Braxton.

North Carolina

William Hooper,
Joseph Hewes,

John Penn.

South Carolina

Edward Rutledge,
Thomas Heyward, Jr.,

Thomas Lynch, Jr.,
Arthur Middleton.

Georgia

Button Gwinnett,
Lyman Hall,

George Walton.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES.

To all to whom these presents shall come, we, the undersigned delegates of the States affixed to our names, send greeting:

WHEREAS, the delegates of the United States of America, in congress assembled did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz:

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I. The style of this confederacy shall be, "The United States of America."

ART. II. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in congress assembled.

ART. III. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. IV. Section 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of

these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and egress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided, also, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States, or either of them.

Sec. 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall, upon the demand of the governor or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offence.

Sec. 3. Full faith and credit shall be given, in each of these states, to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ART. V. Sec. 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such a manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

Sec. 2. No state shall be represented in congress by less than two, nor more than seven members: and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Sec. 3. Each state shall maintain its own delegates in any meeting of the states, and while they act as members of the committee of these states.

Sec. 4. In determining questions in the United States in Congress assembled, each state shall have one vote.

Sec. 5. Freedom of speech and debate in congress shall not

be impeached or questioned in any court or place out of congress, and the members of congress shall be protected in their persons, from arrests and imprisonments during the time of their going to and from, and attendance on, congress, except for treason, felony, or breach of the peace.

ART. VI. Sec. 1. No state, without the consent of the United States, in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in congress assembled, or any of them, grant any title of nobility.

Sec. 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

Sec. 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States, in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

Sec. 4. No vessels of war shall be kept up in time of peace, by any state, except such number only as shall be deemed necessary by the United States in congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

Sec. 5. No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to

admit of a delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships nor vessels of war, or letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against a kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in congress assembled, shall determine otherwise.

ART. VII. When land forces are raised by any state for the common defence, all officers of, or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ART. VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States, in congress assembled.

ART. IX. Sec. 1. The United States, in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article, of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding,

in all cases, what captures on land and water shall be legal and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal, in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; provided, that no member of congress shall be appointed a judge of any of the said courts.

Sec. 2. The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and

conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided, also, that no state shall be deprived of territory for the benefit of the United States.

Sec. 3. All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction, as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

Sec. 4. The United States, in congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating postoffices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

Sec. 5. The United States, in congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in each state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

Sec. 6. The United States, in congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums

and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

Sec. 7. The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. X. The committee of the states, or any nine of them shall be authorized to execute, in the recess of congress, such of the powers of congress as the United States, in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

ART. XI. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ART. XII. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction where-

of the said United States and the public faith are hereby solemnly pledged.

ART. XIII. Every state shall abide by the determinations of the United States in congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

AND WHEREAS it hath pleased the Great Governor of the world to incline the hearts of the legislatures we respectfully represent in congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual union; *Know ye*, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions which, by the said confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual.

In witness whereof we have hereunto set our hands, in congress.

Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the Independence of America.

On the part and behalf of the State of New Hampshire

Josiah Bartlett,

John Wentworth, Jr., Aug.
8, 1778.

On the part and behalf of the State of Massachusetts Bay

John Hancock,
Samuel Adams,
Elbridge Gerry,

Francis Dana,
James Lovell,
Samuel Holten.

On the part and in behalf of the State of Rhode Island and Providence Plantations

William Ellery,	John Collins.
Henry Marchant,	

On the part and behalf of the State of Connecticut

Roger Sherman,	Titus Hosmer,
Samuel Huntingdon,	Andrew Adams.
Oliver Wolcott,	

On the part and behalf of the State of New York

Jas. Duane,	Wm. Duer,
Francis Lewis,	Gouv. Morris.

On the part and in behalf of the State of New Jersey

Jno. Witherspoon,	Nath. Scudder, Nov. 26, 1778.
-------------------	-------------------------------

On the part and behalf of the State of Pennsylvania

Robt. Morris,	William Clingan,
Daniel Roberdeau,	Joseph Reed, 22d July, 1778.
Jonathan Bayard Smith,	

On the part and behalf of the State of Delaware

Thomas McKean, Feb. 13, 1779,	Nicholas Van Dyke.
John Dickinson, May 5, 1779,	

On the part and behalf of the State of Maryland

John Hanson, March 1, 1781,	Daniel Carroll, March 1, 1781.
-----------------------------	--------------------------------

On the part and behalf of the State of Virginia

Richard Henry Lee,	Jno. Harvie,
John Banister,	Francis Lightfoot Lee.
Thomas Adams,	

On the part and behalf of the State of North Carolina

John Penn, July 21, 1778,	Jno. Williams.
Constable Harnett,	

On the part and behalf of the State of South Carolina

Henry Laurens,	Richard Hutson,
William Henry Drayton,	Thos. Heywood, Jr.
Jno. Mathews,	

On the part and behalf of the State of Georgia

Jno. Walton, 24th July, 1778,	Edwd. Langworthy.
Edwd. Telfair,	

WASHINGTON'S LETTER TO THE GOVERNORS OF THE
THIRTEEN STATES ON RESIGNING AS COMMANDER-
IN-CHIEF—THE ARGUMENT FOR AND
BASIS OF THE CONSTITUTION

Washington having decided to resign his commission as commander-in-chief of the American army, on June 8, 1783, wrote the following letter to each of the governors of the states, of which but little has been said, yet wherein the future Constitution and inseparable Union under it is largely outlined:

"Sir, The great object for which I had the honor to hold an appointment in the service of my country being accomplished, I am now preparing to resign it into the hands of congress, and to return to that domestic retirement which, it is well known, I left with the greatest reluctance; a retirement for which I have never ceased to sigh through a long and painful absence, and which (remote from the noise and trouble of the world) I meditate to pass the remainder of life in a state of undisturbed repose. But before I carry this resolution into effect, I think it is a duty incumbent upon me, to make this my last official communication; to congratulate you on the glorious events which Heaven has been pleased to produce in our favor; to offer my sentiments respecting some important subjects which appear to me to be intimately connected with the tranquillity of the United States; to take my final leave of your excellency as a public character; and to give my final blessing to that country in whose service I have spent the prime of my life, for whose sake I have consumed so many anxious days and watchful nights, and whose happiness, being extremely dear to me, will always constitute no inconsiderable part of my own.

"Impressed with the liveliest sensibility on this pleasing occasion I will claim the indulgence of dilating the more copiously on the subjects of our mutual felicitation. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favorable manner in which it has terminated, we shall find the greatest possible reason for gratitude and rejoicing. This is a theme that will

afford infinite delight to every benevolent and liberal mind, whether the event in contemplation be considered as the source of present enjoyment, or the parent of future happiness; and we shall have equal occasion to felicitate ourselves on the lot which Providence has assigned us, whether we view it in a natural, a political, or a moral point of light.

“The citizens of America, placed in the most enviable condition, as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world, and abounding with all the necessities and conveniences of life, are now, by the late satisfactory pacification, acknowledged to be possessed of absolute freedom and independency. They are from this period to be considered as the actors on a most conspicuous theater, which seems to be peculiarly designated by Providence for the display of human greatness and felicity. Here they are not only surrounded with everything which can contribute to the completion of private and domestic enjoyment; but Heaven has crowned all its other blessings, by giving a fairer opportunity for political happiness, than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly, than a recollection of the happy conjuncture of times and circumstances under which our republic assumed its rank among the nations. The foundation of our empire was not laid in the gloomy age of ignorance and superstition, but at an epoch when the rights of mankind were better understood, and more clearly defined, than at any former period. The researches of the human mind after social happiness have been carried to a great extent; the treasures of knowledge acquired by the labors of philosophers, sages and legislators, through a long succession of years, are laid open for our use; and their collected wisdom may be happily employed in the establishment of our forms of government. The free cultivation of letters; the unbounded extension of commerce; the progressive refinement of manners; the growing liberality of sentiment; and above all the pure and benign light of revelation, have had a meliorating influence on mankind, and increased the blessings of society. At this auspicious period, the United States came into existence as a nation; and if their citizens should not be completely free and happy, the fault will be entirely their own.

“Such is our situation, and such are our prospects. But not-

withstanding the cup of blessing is thus reached out to us; notwithstanding happiness is ours, if we have a disposition to seize the occasion, and make it our own; yet, it appears to me, there is an option still left to the United States of America; that it is in their choice, and depends upon their conduct, whether they will be respectable and prosperous, or contemptible and miserable as a nation. This is the time of their political probation; this is the moment when the eyes of the whole world are turned upon them; this is the moment to establish or ruin their national character forever; this is the favorable moment to give such a tone to our federal government, as will enable it to answer the ends of its institution, or this may be the ill-fated moment for relaxing the powers of the union, annihilating the cement of the confederation, and exposing us to become the sport of European politics, which may play one state against another, to prevent their growing importance, and to serve their own interested purposes. For according to the system of policy the states shall adopt at this moment, they will stand or fall; and by their confirmation or lapse, it is yet to be decided, whether the revolution must ultimately be considered a blessing or a curse;—a blessing or a curse not to the present age alone, for with our fate will the destiny of unborn millions be involved.

“With this conviction of the importance of the present crisis, silence in me would be a crime. I will therefore speak to your excellency the language of freedom and of sincerity, without disguise. I am aware, however, that those who differ from me in political sentiment, may perhaps remark that I am stepping out of the proper line of my duty, and may possibly ascribe to arrogance or ostentation, what I know is alone the result of the purest intentions. But the rectitude of my own heart, which disdains such unworthy motives; the part I have hitherto acted in life; the determination I have formed of not taking any share in public business hereafter; the ardent desire I feel, and shall continue to manifest, of quietly enjoying, in private life, after all the toils of war, the benefits of a wise and liberal government; will, I flatter myself, sooner or later convince my countrymen, that I could have no sinister views in delivering with so little reserve the opinions contained in this address.

There are four things which I humbly conceive, are essential to the well being, I may even venture to say, to the existence of the United States as an independent power.

"1st. An indissoluble union of the states under one Federal head.

"2nd. A sacred regard to public justice.

"3d. The adoption of a proper peace establishment, and

"4th. The prevalence of that pacific and friendly disposition, among the people of the United States, which will induce them to forget their local prejudices and politics, to make those mutual concessions which are requisite to the general prosperity, and in some instances, to sacrifice their individual advantages to the interest of the community.

"These are the pillars on which the glorious fabric of our independency and national character must be supported. Liberty is the basis, and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration, and the severest punishment, which can be inflicted by his injured country.

"On the three first articles, I will make a few observations, leaving the last to the good sense and serious consideration of those immediately concerned.

"Under the first head, although it may not be necessary or proper for me, in this place, to enter into a particular disquisition of the principles of the Union, and to take up the great question which has frequently been agitated, whether it be expedient and requisite for the states to delegate a larger proportion of power to congress or not; yet it will be a part of my duty, and that of every true patriot, to assert without reserve, and to insist upon the following positions: that unless the states will suffer congress to exercise those prerogatives they are undoubtedly invested with by the constitution, everything must very rapidly tend to anarchy and confusion; that it is indispensable to the happiness of the individual states, that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration; that there must be a faithful and pointed compliance, on the part of every state, with the late proposals and demands of congress, or the most fatal consequences will ensue; that whatever measures have a tendency to dissolve the Union or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independence of America, and the

authors of them treated accordingly; and lastly, that unless we can be enabled, by the concurrence of the states, to participate of the fruits of the Revolution, and enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so happily guarded against the danger of oppression as has been devised and adopted by the Articles of Confederation, it will be a subject of regret, that so much blood and treasure have been lavished for no purpose; that so many sufferings have been encountered without a compensation; and that so many sacrifices have been made in vain. Many other considerations might here be adduced to prove, that without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention one or two, which seem to me of the greatest importance. It is only in our united character that we are known as an empire, that our independence is acknowledged, that our power can be regarded, or our credit supported among foreign nations. The treaties of the European powers with the United States of America, will have no validity on a dissolution of the Union. We shall be left nearly in a state of nature, or we may find, by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny; and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness.

“As to the second article, which respects the performance of public justice, congress have in their late address to the United States, almost exhausted the subject. They have explained their ideas so fully, and have enforced the obligations the states are under, to render complete justice to all the public creditors, with so much dignity and energy, that in my opinion, no real friend to the honor and independency of America, can hesitate a single moment respecting the propriety of complying with the just and honorable measures proposed. If their arguments do not produce conviction, I know of nothing that will have greater influence; especially when we recollect that the system referred to, being the result of the collected wisdom of the continent, must be esteemed, if not perfect, certainly the least objectionable of any that could be devised; and that if it should not be carried into immediate execution, a national bankruptcy, with all its deplorable consequences, will take place before any different plan can possibly be proposed and adopted. So press-

ing are the present circumstances, and such is the alternative now offered to the states.

“The ability of the country to discharge the debts which have been incurred in its defence is not to be doubted; an inclination I flatter myself will not be wanting. The path of our duty is plain before us—honesty will be found, on every experiment, to be the best and only true policy. Let us then, as a nation, be just; let us fulfil the public contracts which congress had undoubtedly a right to make, for the purpose of carrying on the war, with the same good faith we suppose ourselves bound to perform our private engagements. In the meantime, let an attention to the cheerful performance of their proper business as individuals, and as members of society, be earnestly inculcated on the citizens of America. Then will they strengthen the hands of government, and be happy under its protection. Every one will reap the fruit of his labours; every one will enjoy his own acquisitions, without molestation, and without danger.

“In this state of absolute freedom and perfect security, who will grudge to yield a very little of his property to support the common interest of society, and insure the protection of government? Who does not remember the frequent declarations, at the commencement of the war, that we should be completely satisfied, if at the expense of one half, we could defend the remainder of our possessions? Where is the man to be found who wishes to remain indebted for the defence of his own person and property, to the exertions, the bravery, and the blood of others, without making one generous effort to repay the debt of honor and of gratitude? In what part of the continent shall we find any man or body of men, who would not blush to stand up and propose measures purposely calculated to rob the soldier of his stipend and the public creditor of his due? And were it possible that such a flagrant instance of injustice could ever happen, would it not excite the general indignation, and tend to bring down upon the authors of such measures, the aggravated vengeance of heaven? If, after all, a spirit of disunion, or a temper of obstinacy and perverseness, should manifest itself in any of the states; if such an ungracious disposition should attempt to frustrate all the happy effects that might be expected to flow from the Union; if there should be a refusal to comply with the requisition for funds to discharge the annual interest

of the public debts; and if that refusal should revive again all those jealousies, and produce all those evils, which are now happily removed; congress, who have in all their transactions, shown a great degree of magnanimity and justice, will stand justified in the sight of God and man; and the state alone which puts itself in opposition to the aggregate wisdom of the continent, and follows such mistaken and pernicious counsels, will be responsible for all the consequences.

“For my own part, conscious of having acted while a servant of the public, in the manner I conceived best suited to promote the real interests of my country; having, in consequence of my fixed belief, in some measure pledged myself to the army, that their country would finally do them complete and ample justice; and not wishing to conceal any instance of my official conduct from the eyes of the world; I have thought proper to transmit to your excellency the enclosed collection of papers, relative to the half pay and commutation granted by congress to the officers of the army. From these communications, my decided sentiments will be clearly comprehended, together with the conclusive reasons which induced me, at an early period, to recommend the adoption of the measure, in the most earnest and serious manner. As the proceedings of congress, the army, and myself, are open to all, and contain, in my opinion, sufficient information to remove the prejudices, and errors, which may have been entertained by any, I think it unnecessary to say anything more than just to observe, that the resolutions of congress now alluded to, are undoubtedly as absolutely binding upon the United States, as the most solemn acts of confederation or legislation. As to the idea which I am informed, has in some instances prevailed, that the half pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever. That provision should be viewed as it really was, a reasonable compensation offered by congress, at a time when they had nothing else to give to the officers of the army, for services then to be performed. It was the only means to prevent a total dereliction of the service.—It was a part of their hire.—I may be allowed to say it was the price of their blood, and of your independence. It is therefore more than a common debt; it is a debt of honour. It can never be considered as a pension, or gratuity; nor be cancelled until it is fairly discharged.

“With regard to a distinction between officers and soldiers, it is sufficient that the uniform experience of every nation of the world, combined with your own, proves the utility and propriety of the discrimination. Rewards in proportion to the aids the public derives from them, are unquestionably due to all its servants. In some lines, the soldiers have perhaps generally had as ample compensation for their services, by the large bounties which have been paid to them, as their officers will receive in the proposed commutation; in others, if besides the donation of lands, the payment of arrearages, of clothing and wages, (in which articles all the component parts of the army must be put upon the same footing,) we take into the estimate the bounties many of the soldiers have received, and the gratuity of one year’s full pay which is promised to all, possibly their situation (every circumstance duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert, no one will enjoy greater satisfaction than myself, on seeing an exemption from taxes for a limited time, (which has been petitioned for in some instances), or any other adequate immunity or compensation, granted to the brave defenders of their country’s cause. But neither the adoption nor rejection of this proposition will in any manner affect, much less militate against, the act of congress, by which they have offered five year’s full pay, in lieu of the half pay for life, which had been promised to the officers of the army.

“Before I conclude the subject of public justice, I cannot omit to mention the obligations this country is under to that meritorious class of veteran non-commissioned officers and privates who have been discharged for inability, in consequence of the resolution of congress of the 23d April, 1782, on an annual pension for life. Their peculiar sufferings, their singular merits, and claims to that provision, need only be known, to interest all the feelings of humanity in their behalf. Nothing but a punctual payment of their annual allowance can rescue them from the most complicated misery, and nothing could be a more melancholy and distressing sight, than to behold those who have shed their blood or lost their limbs in the service of their country, without a shelter, without a friend, and without the means of obtaining any of the necessaries or comforts of life; compelled to beg their daily bread from door to door. Suffer me to

recommend those of this description, belonging to your state, to the warmest patronage of your excellency and your legislature.

“It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defence of the republic, as there can be little doubt but congress will recommend a proper peace establishment for the United States, in which a due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing. If this should be the case, I would beg leave to urge the great advantage of it in the strongest terms. The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform, and that the same species of arms, accoutrements, and military apparatus should be introduced in every part of the United States. No one who has not learned it from experience, can conceive the difficulty, expense, and confusion which result from a contrary system, or the vague arrangements which have hitherto prevailed.

“If in treating of political points, a greater latitude than usual has been taken in the course of this address, the importance of the crisis, and magnitude of the objects in discussion must be my apology. It is, however, neither my wish or expectation, that the preceding observations should claim any regard, except so far as they shall appear to be dictated by a good intention, consonant to the immediate rules of justice, calculated to produce a liberal system of policy, and founded on whatever experience may have been acquired by a long and close attention to public business. Here I might speak with the more confidence, from my actual observations; and if it would not swell this letter (already too prolix) beyond the bounds I had prescribed myself, I could demonstrate to every mind open to conviction, that in less time, and with much less expense than has been incurred, the war might have been brought to the same happy conclusion, if the resources of the continent could have been properly drawn forth; that the distresses and disappointments which have very often occurred, have, in too many instances, resulted more from a want of energy in the continental government, than a deficiency of means in the particular states; that the inefficacy of measures, arising from the want of an

adequate authority in the supreme power, from a partial compliance with the requisitions of congress in some of the states, and from a failure of punctuality in others, while it tended to damp the zeal of those which were more willing to exert themselves, served also to accumulate the expenses of the war, and to frustrate the best concerted plans; and that the discouragement occasioned by the complicated difficulties and embarrassments in which our affairs were by this means involved, would have long ago produced the dissolution of any army less patient, less virtuous, and less persevering, than that which I have had the honour to command. But while I mention these things which are notorious facts, as the defects of our Federal constitution, particularly in the prosecution of a war, I beg it may be understood, that as I have ever taken a pleasure in gratefully acknowledging the assistance and support I have derived from every class of citizens, so shall I always be happy to do justice to the unparalleled exertions of the individual states, on many interesting occasions.

"I have thus freely disclosed what I wished to make known before I surrendered up my public trust to those who committed it to me. The task is now accomplished. I now bid adieu to your excellency as the chief magistrate of your state; at the same time I bid a last farewell to the cares of office and all the employments of public life.

"It remains then to be my final and only request, that your excellency will communicate these sentiments to your legislature at their next meeting; and that they may be considered as the legacy of one who has ardently wished, on all occasions, to be useful to his country; and who, even in the shade of retirement, will not fail to implore the divine benediction upon it.

"I now make it my earnest prayer that God would have you, and the state over which you preside, in his holy protection, and that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field, and finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion;

without an humble imitation of whose example in these things we can never hope to be a happy nation."

Chief Justice Marshall, of this "paternal and affectionate letter," says: "The impression made by this solemn and affecting admonition could not be surpassed. The circumstances under which it was given, added to the veneration with which it was received; and, like the counsel of a parent on whom the grave is about to close forever, it sunk deep into the hearts of all. But, like the counsels of a parent withdrawn from view, the advice was too soon forgotten, and the impression it had made was too soon effaced."

CONSTITUTION OF THE UNITED STATES

PREAMBLE

WE, THE PEOPLE OF THE UNITED STATES, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.—LEGISLATIVE DEPARTMENT

SECTION I. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SEC. II. *Clause 1.* The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Clause 2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Clause 3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to

choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five, New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five, and Georgia, three.

Clause 4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Clause 5. The house of representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. III. *Clause 1.* The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Clause 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Clause 3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Clause 4. The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

Clause 5. The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

Clause 6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be

convicted without the concurrence of two-thirds of the members present.

Clause 7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV. *Clause 1.* The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

Clause 2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V. *Clause 1.* Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Clause 2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Clause 3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Clause 4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI. *Clause 1.* The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning

from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Clause 2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION VII. *Clause 1.* All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Clause 2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Clause 3. Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. VIII. *Clause 1.* The congress shall have power, to lay and collect taxes, duties, imposts and excises, to pay the

debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Clause 2. To borrow money on the credit of the United States;

Clause 3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

Clause 4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

Clause 5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

Clause 6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Clause 7. To establish postoffices and post-roads;

Clause 8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

Clause 9. To constitute tribunals inferior to the supreme court;

Clause 10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

Clause 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Clause 12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

Clause 13. To provide and maintain a navy;

Clause 14. To make rules for the government and regulation of the land and naval forces;

Clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

Clause 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress;

Clause 17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United

States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And

Clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. IX. *Clause 1.* The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Clause 2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Clause 3. No bill of attainder or *ex post facto* law shall be passed.

Clause 4. No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Clause 5. No tax or duty shall be laid on articles exported from any state.

Clause 6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

Clause 7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Clause 8. No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SEC. X. *Clause 1.* No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of

attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

Clause 2. No state shall, without the consent of the congress, lay any impost, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

Clause 3. No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II—EXECUTIVE DEPARTMENT

SEC. I *Clause 1.* The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

Clause 2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress. but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Clause 3. [This clause has been superseded by the Twelfth Amendment.]

Clause 4 The congress may determine the time of choosing the electors and the day on which they shall give their votes; which day shall be the same throughout the United States.

Clause 5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Clause 6 In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of

removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

Clause 7. The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Clause 8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States."

SEC. II. *Clause 1.* The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Clause 2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

Clause 3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SEC. III. He shall from time to time give to the congress information of the state of the Union, and recommend to their

consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. IV. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III—JUDICIAL DEPARTMENT

SEC. I. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SEC. II. *Clause 1.* The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state;¹—between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Clause 2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

Clause 3. The trial of all crimes, except in cases of impeach-

¹ Limited by the Eleventh Amendment.

ment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SEC. III. *Clause 1.* Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Clause 2. The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV—GENERAL PROVISIONS

SEC. I. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state; and the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. II. *Clause 1.* The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Clause 2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up to be removed to the state having jurisdiction of the crime.

Clause 3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. III. *Clause 1.* New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

Clause 2. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory

or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SEC. IV. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V—POWER OF AMENDMENT

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI—MISCELLANEOUS PROVISIONS

Clause 1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

Clause 2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

Clause 3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be

required as a qualification to any office or public trust under the United States.

ARTICLE VII—RATIFICATION OF THE CONSTITUTION

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,

President, and Deputy from Virginia.

Attest: WILLIAM JACKSON,

Secretary.

New Hampshire

John Langdon,

Nicholas Gilman.

Massachusetts

Nathaniel Gorman,

Rufus King.

Connecticut

William Samuel Johnson,

Roger Sherman.

New York

Alexander Hamilton.

New Jersey

William Livingston

William Paterson,

David Brearley,

Jonathan Dayton.

Pennsylvania

Benjamin Franklin,

Thomas Fitzsimmons,

Thomas Mifflin,

Jared Ingersoll,

Robert Morris,

James Wilson,

George Clymer,

Gouverneur Morris.

Delaware

George Read,

Richard Bassett,

Gunning Bedford, Jr.,

Jacob Broom.

John Dickinson,

Maryland

James McHenry,	Daniel Carroll.
Daniel of St. Tho. Jenifer,	

Virginia

John Blair,	James Madison, Jr.
-------------	--------------------

North Carolina

William Blount,	Hugh Williamson.
Richard Dobbs Spaight,	

South Carolina

John Rutledge,	Charles Pinckney,
Charles Cotesworth Pinckney,	Pierce Butler.

Georgia

William Few,	Abraham Baldwin.
--------------	------------------

Having concluded its work, and thirty-nine of the delegates, as seen, signed the constitution, the convention addressed the following resolution and letter to the Continental Congress:

In Convention, Monday, September 17, 1787.

PRESENT

The states of New Hampshire, Massachusetts, Connecticut; Mr. Hamilton, from New York; New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Resolved, That the preceding constitution be laid before the United States in congress assembled; and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates, chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification; and that each convention assenting to, and ratifying the same, should give notice thereof to the United States in congress assembled.

Resolved, That it is the opinion of this convention, that as soon as the conventions of nine states shall have ratified this constitution, the United States in congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the president, and the time and place for commencing proceedings under this constitution; that after such publication, the electors should be appointed, and the

senators and representatives elected; that the electors should meet on the day fixed for the election of the president, and should transmit their votes, certified, signed, sealed, and directed, as the constitution requires, to the secretary of the United States in congress assembled; that the senators and representatives should convene at the time and place assigned; that the senators should appoint a president of the senate, for the sole purpose of receiving, opening, and counting the votes for president: and that after he shall be chosen, the congress, together with the president, should, without delay, proceed to execute this constitution.

By the unanimous order of the Convention.

GEORGE WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

LETTER OF THE CONVENTION TO THE PRESIDENT OF CONGRESS.

In Convention, September 17, 1787.

SIR,—We have now the honor to submit to the consideration of the United States in congress assembled that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties; that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trusts to one body of men is evident. Hence results the necessity of a different organization.

It is obviously impracticable in the Federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in

our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the constitution, which now we present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state, is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe: that it may promote the lasting welfare of that country so dear to us all and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants,

GEORGE WASHINGTON, *President*.

By unanimous order of the convention.

His Excellency, the President of Congress.

Upon the receipt of the constitution, resolution, and letter, the congress, on September 28, 1787, unanimously resolved:—

“That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention, made and provided in that case.”

AMENDMENTS

TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED ACCORDING TO THE PROVISIONS OF THE FIFTH ARTICLE OF THE FOREGOING CONSTITUTION.

ARTICLE I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the

right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II. A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX. The enumeration in the constitution of certain

rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate;—the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no

person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

ARTICLE XIII. SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV. SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive or judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a senator or representative in congress, or elector of president or vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any

state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV. SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

SECTION 2. The congress shall have power to enforce this article by appropriate legislation.

WASHINGTON'S FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED STATES.

(September 17, 1796.)

FRIENDS AND FELLOW-CITIZENS:—The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incom-

patible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals that, under circumstances in which the passions, agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which, not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your

hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee, that, from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation

with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together: the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government finds, in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and, what is, perhaps, of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime

strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one* nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionally greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical dis-

criminations—*Northern and Southern, Atlantic and Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the funda-

mental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and usurp for themselves the reins of government; destroying, afterward, the very engines which had lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real

tendency of the existing Constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that, for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the security of perfect liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the Public Councils and enfeeble

the Public Administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of Liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, Patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for, though this in one instance may be

the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must **always** greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your Representatives, but it is necessary that public opinion should coöperate. To facilitate to

them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages, which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other

times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces [a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity; gilding with the [appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real

patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own, to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establish-

ments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit or some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my Proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actu-

ated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

United States, September 17th, 1796.

PRESIDENTS, VICE-PRESIDENTS, SECRETARIES OF STATE, AND CHIEF JUSTICES

No.	PRESIDENT	STATE	TERM OF OFFICE	BY WHOM ELECTED	No. OF STATES VOTING	VICE-PRESIDENT	SECRETARY OF STATE	CHIEF JUSTICE SUPREME COURT
1	George Washington..	Va.....	Two; 1789-97	All	{ 10 } { 15 }	John Adams	Thomas Jefferson Edmund Randolph Timothy Pickens Timothy Pickens John Marshall	John Jay 1789-1795 John Rutledge 1795-1795 Oliver Ellsworth 1795-1800 John Marshall 1801-1835
2	John Adams.....	Mass.....	One; 1797-1801.....	Fed.....	15	Thomas Jefferson.....	James Madison	
3	Thomas Jefferson....	Va.....	Two; 1801-09.....	Dem.-Rep.	{ 16 } { 17 }	{ Aaron Burr..... George Clinton.....	Robert Smith James Munroe	
4	James Madison	Va.....	Two; 1809-17	Dem.-Rep.	{ 17 } { 18 }	{ Elbridge Gerry..... Daniel D. Tompkins..	John Quincy Adams	
5	James Monroe	Va.....	Two; 1817-25	Dem.-Rep.	{ 19 } { 21 }	John C. Calhoun	Henry Clay Martin Van Buren Edward Livingston	
6	John Quincy Adams.	Mass.	One; 1825-29	House	24	{ Martin Van Buren.... John C. Calhoun.....	Louis McLane John Forsyth	Roger B. Taney 1836-1864
7	Andrew Jackson	Tenn.....	Two; 1829-37	Dem.	{ 24 } { 24 }	Richard M. Johnson..	Daniel Webster Hugh S. Legare	
8	Martin Van Buren....	N. Y.....	One; 1837-41.....	Dem.....	26	John Tyler	Abel P. Upshur John C. Calhoun	
9	William H. Harrison	Ohio.....	One m.; 1841-.....	Whigs	26	George M. Dallas.....	James Buchanan John M. Clayton	
10	John Tyler.....	Va.....	3 yrs. 11 m.; 1841-45	Whigs	Millard Fillmore	Daniel Webster Edward Everett William L. Marcy	
11	James K. Polk.....	Tenn.....	One; 1845-49.....	Dem.....	26	William R. King	Lewis Cass Jeremiah S. Black	
12	Zachary Taylor	La.....	1 yr. 4 m.; 1849-50.	Whigs	30	J. C. Breckinridge	William H. Seward William H. Seward	Salmon P. Chase 1864-1873
13	Millard Fillmore	N. Y.....	2 yrs. 8 m.; 1850-53	Whigs	{ Hannibal Hamlin.... Andrew Johnson.....	Edwin B. Washburne Hamilton Fish	Morrison R. Waite 1874-1888
14	Franklin Pierce	N. Hamp	One; 1853-57	Dem.....	31	{ Schuyler Colfax..... Henry Wilson.....	William M. Evarts James G. Blaine	
15	James Buchanan.....	Penn.....	One; 1857-61.....	Dem.....	31	Chester A. Arthur.....	F. T. Frelinghuysen Thomas F. Bayard	
16	Abraham Lincoln ...	Ill.....	One 1 m.; 1861-65	Rep.....	{ 33 } { 25 }	Thomas A. Hendricks Levi F. Morton	James G. Blaine Walter Q. Gresham	McVilleville W. Fuller 1888—
17	Andrew Johnson.....	Tenn.....	3 yrs. 11 m.; 1865-69	Rep.....	35	Adlai E. Stevenson....	Richard J. Olney John Sherman	
18	Ulysses S. Grant	Ill.....	Two; 1869-77	Rep.	{ 34 } { 35 }	{ Garret A. Hobart.... Theodore Roosevelt..	John Hay	
19	Rutherford B. Hayes	Ohio.....	One; 1877-81.....	Rep.....	38			
20	James A. Garfield	Ohio.....	6 m.; 1881.....	Rep.....	38			
21	Chester A. Arthur	N. Y.....	3 yrs. 5 m.; 1881-85	Rep.....	38			
22	Grover Cleveland	N. Y.....	One; 1885-89	Dem.....	38			
23	Benjamin Harrison...	Ind.....	One; 1889-93	Rep.....	38			
24	Grover Cleveland.....	N. Y.....	One; 1893-97	Dem.....	44			
25	William McKinley....	Ohio.....	One 7 m.; 1897-1901	Rep.....	{ 45 } { 45 }			
	Theodore Roosevelt..	N. Y.....	1901—	Rep.....	..			

THE PRESIDENTS OF THE UNITED STATES.

		BORN.	BIRTHPLACE.	FATHER.	MOTHER.	WIFE.
1	Washington ...	Feb. 22, 1732	Westmoreland Co., Va.	Augustine Washington	Mary Ball.	Martha Dandridge(Mrs. Custis).
2	John Adams...	Oct. 30, 1735	Quincy, Norfolk Co., Mass. ...	John Adams..	Susanna Boylston ..	Abigail Smith.
3	Jefferson	Apr. 13, 1743	Shadwell, Albemarle Co., Va. .	Peter Jefferson	Jane Randolph	Martha Wayles (Mrs. Skelton).
4	Madison	Mar. 16, 1751	Port Conway, Va.	James Madison.....	Nellie Conway	Dolly Payne(Mrs.Todd).
5	Monroe	Apr. 28, 1758	Westmoreland Co., Va.	Spence Monroe.....	Eliza Jones.	Eliza Kortwright.
6	J. Q. Adams ..	July 11, 1767	Brantree, Mass.	John Adams.....	Abigail Smith	Louisa Kath. Johnson.
7	Jackson	Mar. 15, 1767	Union Co., N. C.	Andrew Jackson.	Elizabeth Hutchison	Rachel Roberts (Mrs. Donelson).
8	Van Buren.....	Dec. 5, 1783	Kinderhook, N. Y.	Abraham Van Buren..	Maria Hoes.....	Hannah Hoes.
9	W. H. Harrison	Feb. 9, 1773	Berkeley, Charles City Co., Va.	Benj. Harrison	Elizabeth Bassett... ..	Anna Symmes.
10	Tyler.	Mar. 29, 1790	Greenway, Charles City Co., Va.	John Tyler.....	Mary Armistead	Letitia Christian.
11	Polk	Nov. 2, 1795	Mecklenburg Co., N. C.	Samuel Polk	Jane Knox	Julia Gardner.
12	Taylor	Nov. 24, 1784	Orange Co., Va.	Richard Taylor	Sarah Strother	Margaret Smith.
13	Fillmore	Jan. 7, 1800	Summerhill, Cayuga Co., N. Y.	Nathaniel Fillmore...	Phoebe Millard.....	Abigail Powers.
14	Pierce	Nov. 23, 1804	Hillsborough, Hillsborough Co., N. H.	Benj. Pierce.....	Anna Kendrick	Caroline Carmichael (Mrs. McIntosh).
15	Buchanan.....	Apr. 23, 1791	Cove Gap, Franklin Co., Pa. .	James Buchanan.....	Elizabeth Speer	Jane Means Appleton.
16	Lincoln	Feb. 12, 1809	Larue Co., Ky.	Thomas Lincoln	Nancy Hanks.....	Mary Todd.
17	Johnson	Dec. 29, 1808	Raleigh, Wake Co., N. C.	Jacob Johnson	Mary McDonough ..	Eliza McCordle.
18	Grant	Apr. 27, 1822	Pt. Pleasant, Clermont Co., O.	Jesse Grant.....	Harriet Shipson.....	Julia Dent. Webb.
19	Hayes	Oct. 4, 1822	Delaware, Delaware Co., O. .	Rutherford Hayes.....	Sophia Birchard.....	Lucy Ware. Webb.
20	Garfield	Nov. 19, 1831	Cuyahoga Co., O.	Abraham Garfield.....	Eliza Ballou.....	Lucretia Rudolph.
21	Arthur	Oct. 5, 1830	Fairfield, Franklin Co., Vt. .	William Arthur	Malvina Stone	Ellen Lewis Herndon.
22, 24	Cleveland	Mar. 18, 1837	Caldwell, Essex Co., N. J.	Rich. Falley Cleveland.	Anna Neal.....	Frances Folsom.
23	Benj. Harrison	Aug. 20, 1833	No. Bend, Hamilton Co., O. .	John Scott Harrison ..	Elizabeth Irwin	Carolina Lavinia Scott.
25	McKinley	Jan. 29, 1843	Niles, Trumbull Co., O.	William McKinley	Nancy C. Allison ..	Mary Scott Lord (Mrs. Dimmick).
26	Roosevelt	Oct. 27, 1858	New York City, N. Y.	Theo. Roosevelt.....	Martha Bullock	Ida Saxton.
						Alice Lee.
						Edith Kermit Carow.

THE PRESIDENTS OF THE UNITED STATES—Continued.

	ANCESTRY.	RELIGION.	COLLEGE.	VOCATION.	INAUG.	AGE.	DIED.	PLACE OF DEATH.	PLACE OF BURIAL.
1	English.....	Episcopalian...	None.....	Farmer....	1789	57	Dec. 14, 1799	Mt. Vernon, Va.....	Mt. Vernon, Va.
2	English.....	Congregational.	Harvard.....	Lawyer....	1797	62	July 4, 1826	Quincy, Mass.....	Quincy, Mass.
3	Welsh.....	Liberal(a).....	William & Mary.	Lawyer....	1801	58	July 4, 1826	Monticello, Va.....	Monticello, Va.
4	English.....	Episcopalian....	Princeton.....	Lawyer....	1809	58	June 28, 1830	Monticello, Va.....	Monticello, Va.
5	English.....	Episcopalian....	William & Mary.	Lawyer....	1817	58	July 4, 1881	New York City.....	Richmond, Va.
6	English.....	Congregational.	Harvard.....	Lawyer....	1825	59	Feb. 23, 1848	Washington, D. C.....	Quincy, Mass.
7	Scotch-Irish	Presbyterian....	None.....	Lawyer....	1829	62	June 8, 1845	Hermifage, Tenn.....	Hermifage, Tenn.
8	Dutch.....	Reformed Dutch	None.....	Lawyer....	1837	55	July 24, 1862	Lindenwood, N. Y.....	Kindershook, N. Y.
9	English.....	Episcopalian....	Hampden-Sidney.	Farmer....	1841	68	Apr. 4, 1841	Washington, D. C.....	North Bend, O.
10	English.....	Episcopalian....	William & Mary.	Lawyer....	1841	51	Jan. 17, 1862	Richmond, Va.....	Richmond, Va.
11	Scotch-Irish	Presbyterian....	U. of N. C.....	Lawyer....	1845	50	June 15, 1849	Nashville, Tenn.....	Nashville, Tenn.
12	English.....	Episcopalian....	None.....	Soldier....	1849	65	July 9, 1850	Washington, D. C.....	Springfield, Ky.
13	English.....	Unitarian.....	None.....	Lawyer....	1850	50	Mar. 9, 1874	Buffalo, N. Y.....	Buffalo, N. Y.
14	English.....	Episcopalian....	Bowdoin.....	Lawyer....	1853	49	Oct. 8, 1869	Concord, N. H.....	Concord, N. H.
15	Scotch-Irish	Presbyterian....	Dickinson....	Lawyer....	1857	66	June 1, 1868	Wheatland, Pa.....	Lancaster, Pa.
16	English.....	Methodist.....	None.....	Lawyer....	1861	52	Apr. 15, 1865	Washington, D. C.....	Springfield, Ill.
17	English.....	(b).....	None.....	Tailor....	1865	57	July 31, 1875	Carter's Depot, Tenn.	Greenville, Tenn.
18	Scotch.....	Methodist.....	West Point....	Soldier....	1869	48	July 23, 1885	Mt. McGregor, N. Y.....	New York City.
19	Scotch.....	Methodist.....	Kenyon.....	Lawyer....	1877	54	Jan. 17, 1883	Fremont, O.....	Fremont, O.
20	English.....	Disciples.....	Williams.....	Lawyer....	1881	49	Sept. 13, 1881	Long Branch, N. J.....	Cleveland, O.
21	Scotch-Irish	Episcopalian....	Union.....	Lawyer....	1881	51	Nov. 17, 1886	New York City.....	Albany, N. Y.
22	English.....	Presbyterian....	None.....	Lawyer....	1881	48	Mar. 13, 1901	Indianapolis, Ind.....	Indianapolis, Ind.
23	English.....	Presbyterian....	Miami Univ....	Lawyer....	1889	55	Sept. 14, 1901	Buffalo, N. Y.....	Canton, O.
24	Scotch-Irish	Methodist.....	None.....	Lawyer....	1897	53			
25	English.....	Methodist.....	Harvard.....	Author....	1901	43			
26	Dutch.....	Reformed Dutch							

(a) Randall, Jefferson's biographer, says Jefferson was a Christian, though not a church member.
 (b) A Christian, not church member, attended his wife's church, the Methodist.

Washington was first inaugurated in New York, April 30, 1789; second, in Philadelphia, March 4, 1793. John Adams was inaugurated in Philadelphia. All of the other Presidents were inaugurated in Washington City. William Henry Harrison was the oldest man elected President; Grant the youngest; Roosevelt the youngest to become President. Washington, Monroe and Jackson served in the Revolutionary War; Jackson, William Henry Harrison, Tyler, Taylor and Buchanan served in the War of 1812; Lincoln served in the Blackhawk War; Taylor, Pierce and Grant in the Mexican War; Grant, Hayes, Garfield, Arthur, Benjamin Harrison and McKinley in the Civil War; Roosevelt in the Spanish War.

AMERICA

By SAMUEL FRANCIS SMITH

Born in Boston, Massachusetts, October 21, 1808; died November 16, 1895.

[This hymn was written while Mr. Smith was a student at Andover Theological Seminary in 1832 for a children's celebration of July 4th, in Park Street Church, Boston, and was first sung there.]

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died!
Land of the Pilgrims' pride!
From every mountain side,
Let freedom ring.

My native country, thee,
Land of the noble free,
Thy name I love;
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills,
Like that above.

Let music swell the breeze,
And ring from all the trees
Sweet freedom's song;
Let mortal tongues awake,
Let all that breathe partake,
Let rocks their silence break,
The sound prolong.

Our father's God, to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King!

THE STAR SPANGLED BANNER

By FRANCIS SCOTT KEY

Born in Frederick Co., Md., 1779; died in Baltimore, D. C., 1843.

[Written after the bombardment of Fort McHenry, 1814. Text slightly revised by comparison with the fac-simile of a copy made by the Author in 1840.]

O! say, can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming—
Whose broad stripes and bright stars, through the clouds of the
fight
O'er the ramparts we watched were so gallantly streaming!
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there;

CHORUS

O! say, does that Star-Spangled Banner yet wave
O'er the Land of the Free, and the Home of the Brave?

On that shore dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows now conceals, now discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines on the stream;

'Tis the Star-Spangled Banner; O! long may it wave
O'er the Land of the Free, and the Home of the Brave!

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has wash'd out their foul footsteps' pollution.
No refuge could save the hireling and slave
From the terror of flight, or the gloom of the grave;

And the Star-Spangled Banner in triumph doth wave
O'er the Land of the Free, and the Home of the Brave.

O! thus be it ever, when freeman shall stand
Between their lov'd homes and the war's desolation!
Blest with victory and peace, may the heav'n-rescued land
Praise the Power that hath made and preserved us a nation.
Then conquer we must, when our cause it is just,
And this be our motto—"In God Is Our Trust:"

And the Star-Spangled Banner in triumph shall wave
O'er the Land of the Free, and the Home of the Brave!

INDEX

- Adams, John, account of, writing of Declaration of Independence, 72-73.
 biographical sketch of, 71.
 on the Confederation and Continental Congress, 113.
 tribute to Samuel Adams, 70.
- Adams Samuel, biographical sketch of, 69.
 member of Committee on Articles of Confederation, 95.
- Adjournment of Congress, limitations on, 198.
 by the President, 232, 233.
- Admission of new states, manner of, 241, 242.
- Albany Convention, 43.
- Alexandria Convention, call for, 119, 120.
 resolution, of, for Constitutional Convention, 120.
- Ambassadors and Ministers, appointment of, 230.
 received by the President, 231.
- Amendments to the Constitution, discussion of, 245-256.
 how made, 243, 244.
- Andros, Sir Edmund, tyranny of, 20.
- Annapolis Convention, purpose called for, 120.
 resolution of, 121.
- Anthems National, 340, 341.
- Appointments by the President 230-231.
- Apportionment of Representatives in Congress, 189.
 of taxes 189, 190, 212.
- Approval of Acts of Congress by the President 200, 201.
- Arms right of the people to bear, 248.
 to bear concealed, prohibited, 248.
- Army limitation of appropriations for, 207.
- Arrest of Members of Congress, prohibition of, 198.
- Articles of Confederation, Appendix 281.
 when proposed, 95.
 when adopted, 96.
 no recognition of people by, 97.
 weakness benefits, lessons of 95-101.
- Attainder, bill of, 211, 212.
 prohibited by the general government, 211.
 prohibited by states, 214.
- Attorney General, 234, 261, 262.
- Bail, shall not be excessive, 252.
- Baldwin, Abraham, biographical sketch of, 173.
 member of Committee on Articles of Confederation, 95.
- Bancroft, George, tribute to Samuel Adams, 70.
 tribute to John Dickinson, 159.
- Bartlett, Josiah, biographical sketch of, 68.
 member of Committee on Articles of Confederation, 95.
- Bassett, Richard, biographical sketch of, 158.
- Bedford, Gunning, biographical sketch of, 159.
 outburst of, in the Convention, 132.
- Berkeley, Governor, arbitrary execution of Mr. Drummond by, 16.
 denunciation of education by, 16.
 king's censure of, 16, 17.
 tyranny of, 16.
- Bill of Attainder, prohibition of, 211-212, 214.
- Bill of Rights, 246, 247.
- Bills for support of war, limitations on, 207.
- Bills for raising revenue, 200.
- Bills and laws, approval and passage of, 200, 201.
 passing of, over President's veto, 200, 201.
- Biographical sketches of signers of the Declaration of Independence, 66-94.
 of framers of the Constitution, 141-178.
- Blair, John, biographical sketch of, 162.
- Blount, William, biographical sketch of, 167.
- Boudinot, Elias, President of Continental Congress, 59.
- Braxton, Carter, biographical sketch of, 91.
- Brearley, David, biographical sketch of, 150.
- Broom, Jacob, biographical sketch of, 159.
- Brown University established, 40.
- Burgesses, House of, 15.
- Burke, Edmund, on Culture in America, 41.
 on trial by jury, 195.
- Burr, Aaron, vote for President, 220.
- Butler, Pierce, biographical sketch of, 169.
 remarks of, as to the people, 131.

- Cabinet, President's, members and duties of, 257-263.
- Canada, alienation of, from the Colonies, 25-27.
- Capitation tax, 212.
- Carolina, North, early government of, 22, 23.
voted against ratification of the Constitution, 138.
- Carolina, South, early settlement and government of, 22, 23.
- Carpenters' Hall 126.
- Carrington, Edward, efforts for the Constitution, 136.
- Carroll, Charles, biographical sketch of, 87.
- Carroll, Daniel, biographical sketch of, 160.
- Cavaliers, 16.
- Causes of the Revolution, 15-49.
- Changes in the Constitution by Committee on Style and Arrangement, 128-130.
- Charter Colonies, 30.
- Charters as Constitutions, 14, 15, 30, 31.
- Charter of Connecticut, 19.
- Charter of Massachusetts Bay Colony, 18.
- Charter of Rhode Island, 19.
- Charter of Virginia, 15.
- Charter Oak, 20.
- Chase, Samuel, biographical sketch of, 85.
- Churches in the Colonies, 35-41.
- Citizens, who may be, 253-255, 266.
privileges and immunities of, 240.
- Citizenship, does not confer right to vote, 255.
National Government regulates, 253-255.
- Clark, Abraham, biographical sketch of, 82.
- Clinton, George, Governor, opposition to Constitution, 138.
- Clymer, George, biographical sketch of, 153.
- Coal, discovery of, in America, 25, 26.
- Coining money, 204, 205, 214.
- Colleges, dates of establishment in the Colonies, 37-41.
- Colonial Government, 14, 25, 30, 34.
- Colonial wars, educational value of, 25-29
estranging Canada, uniting the Colonies, 25.
long period of, 25.
- Colonies, customs, laws, etc., 32.
- Columbia College established. 40.
- Commander-in-Chief, President is, 230.
- Commerce in the Colonies, 33, 49-51.
in the states, 110-112.
Inter-state, 202, 203, 265.
Regulation of, 202, 203.
- Committee for Articles of Confederation, 95.
- Committee to prepare Declaration of Independence, 62, 63.
of Detail of Constitutional Convention, 127.
of Style and Arrangement, 128.
- Compensation of Judges, 234.
of Members of Congress, 198, 199.
of President, 229.
- Conclusion, general summary, 264-274.
- Congress, Continental, Presidents of, 58, 59.
first, members of, 57, 58.
vote in, by states, 59.
decadence of, influence of, 99.
resolution of, submitting the, Constitution to the States, 136, 137.
resolution of, calling Constitutional convention, 123.
- Congress, Stamp Act, 44.
- United States, what it consists of, 187.
powers of, 201-209.
when to assemble, 196.
adjournment of, 196-198.
privileges of members of, 198, 199.
qualification of members of, 188-193.
each house of, sole judge of elections, returns and qualifications of its members, 196, 197.
each house of, has sole power to discipline its members, 197.
- Confederation, the, 95-101.
- Confederation, Articles of, Appendix, 281.
committee to frame, 95.
discussion of weakness of, 95-100.
beneficial lessons of, 95.
when proposed, 95.
when adopted, 96.
- Connecticut, Bible as law in, 39.
Charter of, 19.
- Constitution, the, 302-320.
not the result of impulse, but evolution, 46-48.
battle for, 111-140.
amendments of, 247-256.
discussion of, 180-256.
plans for, submitted to the Convention, 126, 127.
resolution of Congress submitting to states, 136, 137.
changes in by Committee on Style and Arrangement, 128-130.
framers of, 141-175.
ratification of, by states, preamble to, discussion of, 180-186.
comments of James Anthony Froude on, 177, 178.
comments of Gladstone on, 177.
first written in America, 19.
- Constitutional Convention, call of Annapolis Convention for, 121.
call of Congress for, 123.
proceedings of, 125-135.
- Constitutional Law, definition of, 11.
discussion of nature of, 11-13.

- Contracts, obligation of, can not be impaired, 214.
 corporate charters are, 214.
 Consuls, appointment of, 230.
 Cooley, Thomas M., on Federalists in 1803, 271.
 Copyrights, how granted, duration of, 205.
 Counterfeiting Money, penalty for, 204, 205.
 Council, Governors', by whom appointed, 30.
 Courts of the United States, 233-238.
 Crimes, trial for, where must be held, 238.
 protection of citizens in trial for, 195, 238, 240, 249, 250.
 Critical period of American history, 113.
 Curtis, George Ticknor, on U. S. from 1783 to 1789, 112, 113.
- Dale, Governor 16.
 Dane, Nathan, opposition to the Constitution, 122, 135.
 Dartmouth. College, establishment of, 40.
 Davie, William R., biographical sketch of, 168.
 Dayton, Jonathan biographical sketch of, 150.
 Debts of the United States, 244.
 in aid of Rebellion, in validity of, 254, 255.
 Declaration of Independence, Appendix, 275.
 narrowness of vote for, 62.
 opposition to, 59-63.
 signers of, biographical sketches, 66-94.
 Delaware, Lord, powers of, as Governor, 16.
 Dickinson, John, biographical sketch of, 159.
 member of Committee on Articles of Confederation, 95.
 on Government, 131.
 Direct taxes, how laid, 189, 190, 212.
 Disabilities of Members of Congress, 199.
 Due process of law, definition of, 250.
 Dutch patroons, 17.
 Duties, what are, and how imposed, 202.
- Education in the Colonies, 35-41.
 Efforts for union, 42-48.
 Election, of President, discussion of, 223-227.
 manner of, 222, 223.
 of officers of House and Senate, 191-194.
 of Representatives, 188-195.
 of Senators, 192-195.
 Electoral College, what is, 218.
 Electoral Commission of 1876, 225.
 Electoral vote, how cast and counted, 222, 223.
- Electors, Presidential, how chosen, 217, 218.
 powers of, 225.
 discussion of method of choosing, 223-227.
 Ellery, William, biographical sketch of, 74.
 Ellsworth, Oliver, biographical sketch of, 145.
 comments of, on the people, 131.
 England and France, conflicting claims of, 26.
 treaty of peace between, 26.
 English people, friendship of, 48.
 Enter, and clear, meaning of, 212, 213.
 not required in inter-state commerce, 213.
 Excises, what are, and how laid 202.
 Executive Department, 217.
 Executive Departments, dates of establishment of, 258, 259.
 opinions of officers of, 230, 231.
 heads of and duties of, 259-263.
 Exports, no duties can be imposed upon, 212.
 Ex Post Facto Law, what is, prohibition of, 211, 212, 214.
- Federalist, extract from, on Constitutional law, 12.
 on election of President, 218.
 Few, William, biographical sketch of, 174.
 Fines, excessive, prohibited, 250.
 First Constitution written in America, 19.
 First Continental Congress, 57.
 First effort for union, 42.
 First Legislature in America, 15.
 First newspaper, 40.
 First publication, 38.
 First Resolution of the Constitutional Convention, 127.
 of the Committee of Detail, 127.
 Fiske, John, on Abraham Baldwin, 173.
 critical period of American history, 113.
 on the Albany plan for union, 44.
 Fitzsimmons, Thomas, biographical sketch of, 155.
 Floyd, William, biographical sketch of, 76.
 Framers of the Constitution, biographical sketches of, 141-175.
 character of, 175, 176.
 Franklin, Benjamin, biographical sketch of, 153.
 comments on Independence, 59.
 on signing the Declaration of Independence, 63.
 on opening the Convention with prayer, 155.
 at the close of the Convention, 135.
 on signing the Constitution, 133-135.

- Franklin, Benjamin, plan of union at Albany Convention, 43, 44.
on Independence prior to 1776, 59.
- Freedom of press, religion and speech, 247, 248.
- Free schools established, 39.
- French and Indian Wars, benefits and influence of, 25-29.
- French Colonists, explorations of, 25.
hostility of, to other colonies, 26.
religion of, 35.
- Froude, James Anthony, comments on the Constitution, 177, 178.
- Fugitives from Justice, extradition of, 240, 241.
- Georgia, early government and settlement of 23.
ratified Constitution unanimously, 138, 175.
- Gerry, Elbridge, biographical sketch of, 142.
comments of on the people, 130, 131.
- Giltman, Nicholas, biographical sketch of, 142.
- Gladstone, William E., on the Constitution, 177.
- Gold and silver, legal tender, 209-212.
- Gorham, Nathaniel, biographical sketch of, 144.
President of Continental Congress 59.
- Government, Colonial, 14-25.
Federal, of delegated powers, 253.
State, of reserved powers, 253.
- Governors of Colonies, how appointed, powers of, 15-16.
arbitrary rule of, 20, 21-23.
- Grand Model of Locke and Shaftesbury, 22, 23.
- Greenbacks, legal tender, 209.
- Griffin, Cyrus, President of Continental Congress, 59.
- Gwinnett, Button, biographical sketch of, 93.
member of Committee on Articles of Confederation, 95.
- Habeas Corpus, writ of, 211.
- Hall, Lyman, biographical sketch of, 94.
- Hamilton, Alexander, biographical sketch of, 147.
efforts for the Constitution, 113, 114.
on the plan submitted to the Convention, 126, 127.
work at the Annapolis Convention, 121.
on Government, 131.
on the people, 132.
on the Louisiana purchase, 272, 273.
letter to John Jay on Presidential Electors, 226.
- Hancock, John, biographical sketch of, 67.
- Hancock, John, President of the Continental Congress, 59.
as to ratification of the Constitution, 137.
- Hanson, John, President of Continental Congress, 59.
- Harrison, Benjamin, biographical sketch of, 89.
- Hart, John, biographical sketch of, 81.
- Harvard College, established, 38.
- Henry, Patrick, on the Preamble of the Constitution, 182.
on Washington, 110.
refuses to attend the Convention, 141.
opposes ratification of the Constitution, 137.
- Hewes, Joseph, biographical sketch of, 91.
member of Committee on Articles of Confederation, 95.
- Heyward, Thomas, Jr., biographical sketch of, 92.
- High seas, crimes and felonies on, 206.
- Hildreth, Richard, on the authority and powers of the Constitutional Convention, 123, 124.
- Hooper, William, biographical sketch of, 91.
- Hopkins, Stephen, biographical sketch of, 74.
member of Committee on Articles of Confederation, 95.
- Hopkinson Francis, biographical sketch of, 81.
member of Committee on Articles of Confederation, 95.
- House of Representatives, 188-192.
of whom composed, 188.
chooses its speaker and other officers, 191.
has sole power of impeachment, 191.
who are eligible to, 188.
qualifications of electors for members of, 188.
qualifications of members of, 188.
- Houston, William, biographical sketch of, 194.
- Houston, William Churchill, biographical sketch of, 150.
- Huguenots, 40, 41.
- Huntington, Samuel, biographical sketch of, 75.
President of Continental Congress, 59.
- Hutchinson, Mrs. Anne, 37.
- Immunities of citizens, 240.
- Impeachment, definition of, 191.
who are liable to, 191.
judgment in case of, 194, 195.
procedure in, 191, 192.
no bar to prosecution for indictable offense, 195.
of President and civil officers, 233.

- Implied powers, conferred on Congress, 208.
- Imposts, how laid, 201, 202.
- Independence, Declaration of, Appendix, 275.
- not at first desired, 59-62.
- committee to prepare Declaration of, 62, 63.
- account of the writing of, 72, 73.
- passed by one vote, 62.
- Indians, not taxed, not counted in representation, 189, 190.
- wards of the Nation, 204.
- Indictment, 250.
- Ingersoll, Jared, biographical sketch of, 156.
- Inspection laws, 215.
- states can impose duties to sustain, 215.
- Inter-state commerce, 203.
- Jay, John, motto of as to the people, 130.
- President of the Continental Congress, 59.
- on independence prior to 1776, 60.
- efforts for the Constitution, 138.
- indorsement of Hamilton's letter, 226.
- Jefferson, Thomas, biographical sketch of, 88.
- on independence prior to 1776, 60.
- on slavery, 189.
- on Alexander Hamilton, 183.
- Jenifer, Daniel of St. Thomas, biographical sketch of, 161.
- Johnson, William Samuel, biographical sketch of, 146.
- on nature of the Constitution, 182.
- member of the Committee on Style and Arrangement, 183.
- Journal of each House, 197, 198.
- of the Constitutional Convention, 125.
- of the Continental Congress, last entry in, 99.
- Judges of the State Courts, how bound by the Constitution, 244.
- Judges of the United States Courts, how appointed, terms of, 230-234.
- Judgments in impeachments, 194, 195.
- in treason, 239.
- Judicial Department, 233-236.
- Judicial power, 233, 234.
- Jurisdiction, original, what is, 237, 238.
- of U. S. Courts, 236, 237.
- Jury, trial by, importance and preservation of, 195, 238, 250, 251, 252.
- Kennison, Father, last survivor of "Boston Tea Party," 71.
- King, Rufus, biographical sketch of, 144.
- King, Rufus, member of Committee on Style and Arrangement, 128, 184.
- opposes Constitutional Convention, 122, 123.
- King's College, established, 40.
- La Fayette, on the American soldier, 103.
- Lands, claims for under different grants, 236.
- public disposal of, 242.
- Langdon, John, biographical sketch of, 142.
- Lansing, John, biographical sketch of, 149.
- Laurens, Henry, President Continental Congress, 59.
- Laws, how passed by Congress, 200, 201.
- approval by President, 200, 201.
- how passed over President's veto, 200, 201.
- to raise revenue, (where to originate, 200.
- Lee, Francis Lightfoot, biographical sketch of, 90.
- Lee, "Light Horse Harry," efforts for the Constitution, 136.
- Lee, Richard Henry, biographical sketch of, 88.
- opposes the Constitution, 135-136.
- proposes the Declaration of Independence, 62.
- President of the Continental Congress, 59.
- Legislation, long experience of the Colonies in, 14.
- Congress has exclusive, over seat of Government, 208.
- Legislative department, powers of 187-201, 209.
- Legislative powers, where and how vested, 187.
- Legislatures established in, Virginia, 15.
- Massachusetts, 18.
- Connecticut, 19.
- New Hampshire, 19.
- Rhode Island, 19.
- New York, 17.
- New Jersey, 21.
- Pennsylvania, 22.
- Delaware, 21.
- Maryland, 22.
- North and South Carolina, 22, 23.
- Georgia, 23.
- Lewis, Francis, biographical sketch of, 79.
- Lincoln, Abraham, comments of, 60-99.
- Livingston, Philip, biographical sketch of, 76.
- Livingston, Robert R., member of Committee on Articles of Confederation, 95.
- Livingston, William, biographical sketch of, 151.

- Locke, John, efforts to unite Colonies, 42, 43.
grand model of Constitution by, 22, 23.
- London Company, 15.
- Louisiana Purchase, 272, 273.
- Lynch, Thomas, Jr., biographical sketch of, 93.
- Mackintosh, Sir James, on the Constitution, 269, 270.
- Madison, James, biographical sketch of, 163.
on the Framers of the Constitution, 175.
on independence prior to 1776, 60.
on oppressions by the majority, 131.
notes of on the Convention, 125.
on closing of the Convention, 135.
support of Constitution in Continental Congress, 136.
- Magna Carta, 245.
- Maine, Sir Henry, on decadence of Democracy, 115.
- Maine, State of, denied admission to United Colonies of New England, 42.
- Manufacturing in the Colonies prohibited, 50.
- Marque and Reprisal, letters of 206.
states prohibited from issuing, 214.
- Marshall, John, on period from 1783 to 1789, 113.
efforts for the Constitution, 137.
interpretation of the Constitution, 178.
on opponents of the Constitution, 135, 136.
- Martin, Alexander, biographical sketch of, 168.
- Martin, Luther, biographical sketch of, 161.
- Maryland, settlement and government of, 22.
- Mason, George, biographical sketch of, 164.
- Massachusetts, settlement and government of, 18-19.
- McClurg, James, biographical sketch of, 164.
- McHenry, James, biographical sketch of, 161.
- McKean, Thomas, biographical sketch of, 84.
President of Continental Congress, 59.
- Mercer, John Francis, biographical sketch of, 162.
member of Committee on Articles of Confederation, 95.
- Meeting of Congress, 196.
- Message of the President, 233.
- Middleton, Arthur, biographical sketch of, 93.
- Middleton, Henry, President Continental Congress, 59.
- Mifflin, Thomas, biographical sketch of, 156.
address on Washington resigning as Commander-in-Chief, 109.
President of the Continental Congress, 59.
- Militia, to be maintained by the States, 248.
how organized, armed and disciplined, 207.
- Money, borrowing of, by the U. S., 202.
coining of 204, 205.
counterfeiting of, 205.
how drawn from the Treasury 213.
account of expenditure of, must be published, 213.
- Morris, Gouverneur, biographical sketch of, 157.
member of Committee on Style and Arrangement, 183.
on a life Senate, 131.
- Morris, Lewis, biographical sketch of, 80.
- Morris, Robert, biographical sketch of, 157.
- Morton, John, biographical sketch of, 83.
vote decides Declaration of Independence, 83.
- National Bank notes, not legal tender, 209.
- Naturalization, regulated by National Government, 204.
- Navy, appropriation for, 207.
- Nelson, Thomas, Jr., biographical sketch of, 90.
member of Committee on Articles of Confederation, 95.
- New Hampshire, government of, 19.
first newspaper in, 40.
first legislature in, 19.
- New Jersey, first settlers of, 21.
public schools in, 40.
by whom named, 21.
refusal to pay quota of debt of the Revolution, 116.
- New York, by whom settled, 17.
legislatures in, 17.
refusal to amend Articles of Confederation, 116.
battle for the Constitution in, 138.
- New States, how admitted, 241, 242.
- Nobility titles of prohibited, 213, 214.
- North Carolina, government of, 22.
- Northwest Territory, 119.
- Oath, of the President, 229.
of other officers of the United States, 244, 245.
of officers of the states, 244, 245.
- Obligation of Contracts, can not be impaired, 214.
- Oglethorpe, James, 23.

- Officers of Senate and House, how chosen, 191, 194.
- Offices, holding of, by members of Congress prohibited, 199.
- Paca, William, biographical sketch of 86.
- Paine, Robert Treat, biographical sketch of, 73.
- Paine, Thomas, efforts for the Constitution, 114.
- Pardons, granting of, 230, 231.
- Patents and copyrights, 205.
- Paterson, William, biographical sketch of, 152.
- plan for Constitution in Convention 126, 127.
- Patroons, 17.
- Penn Charter School, 39.
- Penn, John, biographical sketch of, 92.
- Penn, William, liberal government of, 22.
- proposal for Congress of the Colonies, 43.
- Pennsylvania, University of, 39.
- government of, 22.
- People, the, consideration for in the Constitution, 252.
- early distrust of, 130, 131.
- growth of power of, 131, 132, 185, 186.
- privileges and immunities of, 240.
- rights of, 252.
- security against arrest and search of, 249.
- Personal liberty, 249.
- Personal security, 249.
- Pierce, William, biographical sketch of, 174.
- Pilgrims, compact of government by, 17, 18.
- Pinckney, Charles, biographical sketch of, 170.
- plan of Constitution submitted by, 126.
- Pinckney, Charles Cotesworth, biographical sketch of, 170.
- Piracies and felonies on the high seas, 205.
- Pitt, William, on the oppressions of the Colonies, 50.
- Postmaster General, department and duties of, 261.
- Post offices and post roads, 205.
- Powers of Congress, those expressly granted, 201-209.
- those expressly denied, 209-214.
- Powers of the President, 230-232.
- Powers reserved to the states, 253.
- denied to the states, 214-217.
- Powers reserved to the people, 253.
- Preamble of the Constitution, discussion of, 180-186.
- President, the, appointments by, 230.
- election of, how conducted, 222, 223.
- President, electors of, how chosen, 217, 218.
- discussion of method of election of, 223-227.
- duties of, 232-233.
- powers of, 230, 232.
- qualifications of, 227.
- third election of, contest in, 220.
- tenth election of, contest in, 224.
- election in 1873, vote of electors, 224, 225.
- succession, how provided for, 229.
- Presidents, dates of birth, marriage, election, etc., 338, 339.
- of the Continental Congress, 59.
- President's cabinet, establishment, duties, etc., 257-263.
- Princeton College, established, 40.
- Privileges and immunities of citizens, 240.
- Privileges of Members of Congress, 198, 199.
- Property qualifications, of officers in the Colonies, 23, 24.
- of voters therein, 23, 24.
- Property, private, how taken for public use, 250, 251.
- if injured in riot owner can recover for, 251.
- Proprietary Colonies, 30.
- Provincial or Royal Colonies, system of government in, 30.
- Public debts of the United States, 254, 255.
- Public lands in the United States, 261.
- Punishments, cruel and unusual, prohibited, 252.
- Puritans, democratic government of, 18.
- ministers power of, 38.
- intolerance and excellences of, 38.
- Quakers, oppressions of, 24.
- Qualifications, of President and Vice-President, 222-227.
- of Representatives, 188, 254.
- of Senators, 193, 254.
- of voters, regulated by the states, 255.
- Quartering of soldiers in private houses prohibited, 249.
- Quincy, Josiah, on Samuel Adams, 70.
- Quorum, what constitutes in each House of Congress, 196, 197.
- Randolph, Edmund, biographical sketch of, 164.
- part in the Constitutional Convention, 126.
- plan for Constitution submitted by, 126.
- on Democracy, 131.
- Randolph, Peyton, President of the Continental Congress, 58.
- Ratification of the Constitution, 245.

- Read, George, biographical sketch of, 160.
- Rebellion, debts in aid of invalid, 154, 255.
- Religion and education in the Colonies, 35-41.
- Religion and free speech, 247, 248. guarantee of, 247, 248.
- Religious test for office prohibited, 244, 245.
- Representatives, apportionment of, 189.
electors of, qualifications for, 188.
House of, chooses officers, 191.
sole power of impeachment, 191.
qualifications of, 188.
vacancies of, how filled, 190.
privileges of, 198, 199.
need not be residents of districts elected for, 189.
each state must have one, 190.
- Reprives, by whom granted, 230-231.
- Republican government, guaranteed each state, 242, 243.
- Requisitions for fugitives from justice, 240, 241.
- Retroactive legislation allowed in civil affairs, 212.
- Revenue, where bills for must originate, 200.
- Revere, Paul, work for the Constitution, 137.
- Review, historical, of government in the Colonies and States, 52-56.
- Revolution, the, 102-104.
- Revolution, causes of, 15, 49.
- Rhode Island, Charter of, government of, 19.
no part in the Convention, 125.
denied admission to United Colonies of New England, 42.
- Rights of citizens, to bear arms, 248.
of speedy trial, and by jury, 251.
- Rights of the citizen, to have counsel in trials for crime, 251.
as to search of, 249, 250.
as to suffrage, 255.
- Rights of the people, 252.
- Rights of the states, 253.
- Rodney, Cæsar, biographical sketch of, 84.
- Ross, George, biographical sketch of, 84.
- Royal Colonies, 30.
- Ruggles, Timothy, 44, 85.
- Rush, Benjamin, biographical sketch of, 82.
- Rutgers College founded, 40.
- Rutledge, Edward, biographical sketch of, 92.
member of Committee on Articles of Confederation, 95.
- Rutledge, John, biographical sketch of, 172.
- Salzburgers, settlement of, 40.
- Schools, in the several Colonies, 36, 41.
- Schools, free, foundation of, 39.
- Secretary of State, department and duties of, 259.
- Secretary of the Treasury, department and duties of, 260.
- Secretary of War, department and duties of, 260.
- Secretary of the Navy, department and duties of, 261.
- Secretary of the Interior, department and duties of, 261.
- Secretary of Agriculture, department and duties of, 262.
- Secretary of Commerce, department and duties of, 263.
- Senate, composed of, 192.
chooses own officers, 194.
tries all impeachments, 194.
qualifications of members of, 193.
can not originate bills to raise revenue, 200.
- Senators, classification of, 192.
terms of, 192.
- Shays' rebellion, 117.
- Sherman, Roger, biographical sketch of, 146.
member of Committee on Articles of Confederation, 95.
- Signers of the Constitution, 313, 314.
of the Articles of Confederation, 289, 290.
- Signers of the Declaration of Independence, 66-94; 279-280.
- Silver, legal tender, 209, 212.
- Slavery prohibited, 23, 253.
- Smith, James, biographical sketch of, 83.
- Soldiers, quartering of, prohibited, 249.
- South Carolina, settlement of, government in, 22, 23.
- Sovereignty of states, 242, 253, 267, 268.
- Spaight, Richard Dobbs, biographical sketch of, 168.
- Speaker of House of Representatives, 191.
sole power to appoint committees, 197.
- Stamp Act of Congress, 44.
- States' rights, natural growth of idea of, 32, 33, 44, 52, 54.
- States, rights of, 111, 112.
powers denied to, 214, 217.
powers reserved to, 253.
new, how admitted, 241, 242.
Republican government guaranteed in, 242, 243.
records, how proved and effect of, 239, 240.
- St. Clair, Arthur, President of the Continental Congress, 59.
- Steele, Elizabeth, aid to General Greene, 102.
- Stockton, Richard, biographical sketch of, 80.
- Stone, Thomas, biographical sketch of, 86.

- Stone, Thomas, member of Committee on Articles of Confederation, 95.
- Story, Justice Joseph, on repudiation, 1783 to 1789, 117.
- Strong, Caleb, biographical sketch of, 145.
- Stuyvesant, Governor, Peter, 17.
- Suffrage, right of, 204, 253, 255.
- Summary of Colonial Government, 30, 34.
- Supreme Court, Judges of, how appointed, 230.
- jurisdiction of, 233, 238.
- Supreme Laws, defined, 244.
- Swedes, settlement by, 21.
- Swiss, settlements by, 40.
- Taylor, George, biographical sketch of, 84.
- Taxes, direct, how laid, 189, 190-212.
- not allowed on exports, 212.
- Tender, Legal, what is, 209, 212.
- Thanksgiving, origin of, 38.
- Thornton, Matthew, biographical sketch of, 69.
- Titles of nobility prohibited, 213, 214.
- Tonnage, what is, 216.
- Treason, what is, 238-239.
- as to confessions of, 239.
- witnesses to convict for, and punishment of, 239.
- Treaty of Peace between France and England, 26.
- between Great Britain and the U. S., 64.
- Treaties of the United States, part of the supreme law of the land, 244.
- Trials for Crimes, where must be had, 238.
- must be speedy and by jury, 251.
- in cases of impeachment, 191, 192.
- Union, efforts for, 42-48.
- first of the Colonies, 42.
- United Colonies of New England, 42.
- United States, date of official name, 95, 96.
- National character of, 180, 187, 190, 199.
- University of Pennsylvania, 39.
- Vacancies, of President's office, how filled, 228, 229.
- of Senator's, how filled, 192, 193.
- of Representative's, how filled, 190, 191.
- Vane, Governor, 37.
- Vattel, on Constitutions, 12.
- Veto, how made and overcome, 200, 201.
- Vice-President, how elected, 221, 222, 223.
- President of the Senate, 193.
- when entitled to vote, 193.
- qualifications of, 221, 222.
- Vice-Presidents of the United States, 337.
- Virginia, how settled and governed, 15, 17, 36.
- Virginia, delegates to Constitutional Convention, 122.
- education in, 36, 37.
- Voters, qualification of, determined by the states, 253, 255.
- National Government does not make, 204, 255.
- discrimination as to, prohibited by the Constitution, 256.
- Walton, George, biographical sketch of, 94.
- War, appropriation for, 207.
- how declared, 206.
- Washington, George, address to Constitutional Convention, 126.
- letter to the governors of the thirteen states, 291.
- letter of farewell as President, 321.
- letter of, as President of the Convention, 124.
- letter of, while in the Convention, 132.
- remarks to members of the Alexandria convention, 120.
- address on opening the Constitutional Convention, 185.
- on Independence prior to 1776, 60.
- on ratification of the Constitution, 139.
- on the condition of the country from 1783 to 1787, 117, 118.
- biographical sketch of, 166.
- sketch of character of, 105-110.
- on heroism of the army, 103.
- Washington and Lee College, 37.
- Webster, Daniel, on Alexander Hamilton, 148.
- Webster, Noah, on the need of a national government, 114.
- Webster, Pelatiah, on revising Articles of Confederation, 114.
- Weights and Measures, fixed by Congress, 204, 205.
- Whipple, William, biographical sketch of, 69.
- William and Mary, College of, 37.
- Williams, Roger, 19, 37, 40.
- Williams, William, biographical sketch of, 75.
- Williamson, Hugh, biographical sketch of, 169.
- Wilson, James, biographical sketch of, 158.
- on the Constitution, 182.
- on the people, 131, 132.
- Witherspoon, John, biographical sketch of, 81.
- Wolcott, Oliver, biographical sketch of, 76.
- Women allowed to vote in New Jersey, 24.
- Wythe, George, biographical sketch of, 166.
- Yates, Robert, biographical sketch of, 149.
- Yale College founding of, 39.
- Yeardley, Sir George, 15.



3 0301 00200923 7